

BOARD OF SUPERVISORS

MINUTES

June 22, 2005

Supervisors in Attendance:

Mr. Edward B. Barber, Chairman
Mr. R. M. "Dickie" King, Jr.,
Vice Chairman
Mrs. Renny Bush Humphrey
Mr. Kelly E. Miller
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Special Guest in Attendance:

Delegate Samuel Nixon

School Board Members in Attendance:

Mr. Tom Doland, Vice Chairman
Dr. James R. Schroeder

Staff in Attendance:

Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Dr. Billy Cannaday, Jr.
Supt., School Board
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Jonathan Davis,
Real Estate Assessor
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC,
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Lawrence Haake, III,
Registrar
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph A. Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir. of Revitalization
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Chief Paul Mauger,
Fire and EMS Dept.

Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Francis Pitaro, Dir.,
General Services
Ms. Leigh Robbins, Acting
Exec. Dir., Lucy Corr
Village
Mr. William Russell,
Interim Dir., Information
Systems Technology
Lt. Col. Andy Scruggs,
Police Department
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. Barber called the regularly scheduled meeting to order at 3:12 p.m.

1. APPROVAL OF MINUTES FOR MAY 25, 2005

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the minutes of May 25, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

Mr. Ramsey introduced Mr. John "Buster" Frith, a technician with the county's Radio Shop, who will be assisting with audio-visual presentations at Board meetings.

2.B. SAFE BOARD OF DIRECTORS PRESENTATION

Dr. Bancroft Greene, Chairman of the SAFE (Substance Abuse Free Environment) Board of Directors, updated the Board of Supervisors regarding SAFE activities. He provided details of new components of the Use, You Lose program, as well as various other initiatives of SAFE, Incorporated. He stated SAFE is providing the leadership to conduct a youth survey in middle and high schools relative to use of alcohol, tobacco and illegal drugs, noting that there has been no youth data on this subject since 1993.

2.A. PRESENTATION BY DELEGATE NIXON

Delegate Samuel Nixon presented Retired Fire Chief Stephen Elswick with a framed resolution from the Virginia House of Delegates in appreciation of his exemplary service as Chief

of Chesterfield County's Fire and Emergency Medical Services Department.

2.C. RECOGNITION OF INTERNSHIP IN CULTURAL DIVERSITY PARTICIPANTS

Mr. Ramsey recognized participants in the county's 17th annual Diversity Internship Program, who were present at the meeting.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Miller, seconded by Mr. King, the Board replaced Item 6., Work Session to Review 2005 General Assembly Legislation; replaced Item 8.C.4., Request for Music/Entertainment Festival Permit from the Chesterfield County Fair Association; added Item 8.C.7.j., Set Public Hearing Date to Consider Adoption of an Ordinance Creating a Transportation Service District at Centerpointe; replaced Item 8.C.9., State Road Acceptance; added Item 8.C.23., Consideration of an Agreement with the Chesterfield County School Board for the Use of School Buses for Programs Conducted by the Department of Parks and Recreation; deleted Item 16., Hearings of Citizens on Unscheduled Matters or Claims - Request of Mr. C. L. Morrisette to Speak Regarding "Using Zoning Ordinances as a Tool to Constantly Increase Taxes and do Away with Affordable Housing"; replaced Item 17.J., Public Hearing to Consider an Ordinance to Vacate a Portion of the Plan of Subdivision Known as Roosevelt Park; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING RESERVISTS FOR THEIR CONTRIBUTION TO THE WAR AGAINST GLOBAL TERRORISM

Mr. Kappel introduced reservists who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, on September 11, 2001, the United States was stunned when terrorists hijacked airplanes and attacked the World Trade Center and the Pentagon, killing and injuring thousands of people; and

WHEREAS, as a result of these attacks, the United States military entered into a war against global terrorism; and

WHEREAS, this military response has included "Operation Noble Eagle," involving homeland defense and civil support

missions; "Operation Enduring Freedom," formerly known as "Operation Infinite Justice," to destroy the terrorist training camps and infrastructure within Afghanistan, the capture of al Qaeda leaders, and the cessation of terrorist activities in Afghanistan; "Operation Vigilant Resolve," to isolate and root out the terrorist forces responsible for repeated attacks on coalition forces in Fallujah, Iraq; and "Operation Iraqi Freedom," to free the people of Iraq from years of tyranny under the Iraqi dictator Saddam Hussein, who also sponsored terrorism; and

WHEREAS, each of these operations was conducted to make the United States, and the world, a safer place; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents and employees who serve in the reserve components of the various military services; and

WHEREAS, Petty Officer First Class Larry Brock, U.S. Navy Reserve; Equipment Officer First Class Christopher C. Denney, United States Navy; Chief Warrant Officer Joanne R. Smith, Virginia Army National Guard; Chief Petty Officer Calvin Covert, United States Coast Guard; Deputy Fire Chief of Operations Coris D. Throckmorton, Jr.; and Senior Airman Andrew J. Smith, Virginia Air National Guard, are some of the courageous Americans who answered the call to duty unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in these military operations for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of June 2005, publicly recognizes the sacrifice and courage of these dedicated military reservists, and expresses its gratitude to them for making the world a safer place for freedom-loving people everywhere.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

(It is noted Senior Airman Andrew Smith was unable to attend the meeting and his resolution will be forwarded to him.)

Mr. Miller and Mr. King presented the executed resolutions to each of the reservists present at the meeting and commended them on their courageous voluntary service to allow others to enjoy their freedom.

Mr. Throckmorton expressed appreciation to the Board for the recognition and also for the county's extraordinary support of its reservists.

**5.B. RECOGNIZING COMCAST METRO RICHMOND AND AIM-USA FOR
THEIR DONATIONS TOWARDS THE 2005 "CHESTERFIELD
CELEBRATES" CAMPAIGN BY THE CHESTERFIELD COUNTY PARKS
AND RECREATION DEPARTMENT**

Mr. Golden introduced Mr. Kirby Brooks, representing Comcast Metro Richmond, and Ms. Tammy Westbury, representing AIM-USA, who were present to receive the resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Department provides wholesome, family activities for the enjoyment of county residents; and

WHEREAS, the annual Fourth of July Celebration and Parade of Lights are among the free events that offer entertainment to citizens of all ages; and

WHEREAS, Comcast Metro Richmond graciously provided a generous donation to be used by the Parks and Recreation Department towards the 2005 "Chesterfield Celebrates" campaign; and

WHEREAS, this donation will aid in the enhancement of the special events funded through this campaign; and

WHEREAS, Comcast Metro Richmond has given back to the community through sponsorship of county special events; and

WHEREAS, through the cooperative efforts of Mr. Kirby Brooks, Area Vice President and General Manager, the spirit of community/private partnerships has provided the department with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with Comcast Metro Richmond.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of June 2005, publicly recognizes Comcast Metro Richmond for its generous contribution toward the 2005 "Chesterfield Celebrates" campaign.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Comcast Metro Richmond and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Mr. Brooks and expressed appreciation for Comcast Metro Richmond's generous donation.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Department provides wholesome, family activities for the enjoyment of county residents; and

WHEREAS, the annual Fourth of July Celebration and Parade of Lights are among the free events that offer entertainment to citizens of all ages; and

WHEREAS, AIM-USA graciously provided a generous donation to be used by the Parks and Recreation Department towards the 2005 "Chesterfield Celebrates" campaign; and

WHEREAS, this donation will aid in the enhancement of the special events funded through this campaign; and

WHEREAS, AIM-USA has given back to the community through sponsorship of county special events; and

WHEREAS, through the cooperative efforts of Mr. Jim Johnson and Mrs. Susan Johnson, the spirit of community/private partnerships has provided the department with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with AIM-USA.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of June 2005, publicly recognizes AIM-USA for their generous contribution toward the 2005 "Chesterfield Celebrates" campaign.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to AIM-USA and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mrs. Humphrey presented the executed resolution to Ms. Westbury and expressed appreciation for AIM-USA's generous donation.

5.C. RECOGNIZING CINTAS CORPORATION FOR ITS CONTRIBUTION TO CHESTERFIELD COUNTY BY NAMING THEM THE CHESTERFIELD COUNTY MEDIUM BUSINESS OF THE YEAR FOR 2005

Mr. Dunn introduced Mr. Howard Baron, General Manager, Ms. Malinda Staples and Mr. Russ Ryan, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Board of Supervisors established a Business Appreciation and Recognition Award to recognize existing businesses within the county that contribute to the county's economy and its citizens; and

WHEREAS, Cintas Corporation, which is located at 12524 Kingston Avenue in Chester, employs over 180 employees and is the largest uniform supplier in North America with approximately 700,000 customers nationwide; and

WHEREAS, in 1990, Cintas began business with the buy-out of the family-owned Metropolitan Uniform Company in Hopewell, and because of explosive growth in the rental uniform and facilities services businesses, later moved to a larger facility in the River's Bend area of Chester, Virginia; and

WHEREAS, Cintas Corporation is listed by *Fortune* magazine as "America's Most Admired Outsourcing Service Company" and one of "America's Most Admired Companies" for the fifth consecutive year; and

WHEREAS, in 2004, Cintas' Chesterfield facility received an award from the Chesterfield Employment Service Business Advisory Council for exemplifying excellence in hiring, accommodating and servicing individuals with disabilities; and

WHEREAS, in an effort to support the community, Cintas is a sponsor of the YMCA, Special Olympics, and the Top Gun Program, which recognizes mechanics who have achieved the highest scores on Automotive Services Excellence (ASE) testing.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of June 2005, publicly recognizes Cintas Corporation and expresses gratitude, on behalf of the county, for its many contributions by recognizing it as the 2005 Medium Business recipient of the Chesterfield County Business Appreciation and Recognition Award.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Cintas Corporation and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. King presented the executed resolution and an engraved silver plate to Mr. Baron, accompanied by Ms. Staples and Mr. Ryan, expressed appreciation for Cintas Corporation's contributions to the county and congratulated them on being selected as the Medium Business of the Year for 2005.

Mr. Baron expressed appreciation to the Board for the recognition.

INTRODUCTION OF NEW COUNTY ASSESSOR

Mr. Ramsey called forward Mr. Stegmaier to make an introduction, which he had intended to make during County Administrator comments.

Mr. Stegmaier introduced Mr. Jonathan Davis, newly appointed Real Estate Assessor.

Mr. Davis stated he is excited to be in Chesterfield County.

6. WORK SESSION

O REVIEW 2005 GENERAL ASSEMBLY LEGISLATION

Mr. Micas summarized 2005 General Assembly legislation requiring Board action. He also reviewed optional legislation permitting Board action, noting that staff recommends that the Board take no action on any of the optional legislative changes permitting Board action.

Discussion ensued relative to House Bill 2151 legislation.

Mrs. Humphrey stated she would like to further explore House Bill 2151 legislation that would allow the county to amend its purchasing ordinance to require that Virginia bidders have preference over certain non-Virginia bidders.

On motion of Mr. King, seconded by Mr. Miller, the Board approved staff's recommendations to direct staff to prepare ordinance revisions to amend the county's inoperable motor vehicle ordinance to require that a "parts vehicle" be shielded from view; refer to the Planning Commission the legislative items relative to amending the comprehensive plan to designate areas for age-restricted housing, nursing homes and assisted living facilities, and revising notice requirements for rezoning cases near a public use airport; and set a public hearing date to consider the legislative item relative to amending the county's junior firefighter ordinance to provide that such minors can reside anywhere in Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

7. DEFERRED ITEMS

O TO CONSIDER THE DONATION OF 21.9 ACRES, MORE OR LESS, AT THE COURTHOUSE COMPLEX TO THE HEALTH CENTER COMMISSION

Mr. Hammer stated the Board held a public hearing on May 25, 2005 to consider the donation of 21.9 acres of county property to the Health Center Commission. He further stated, since the public hearing, staff has successfully developed a subordination agreement relative to the property conveyance, with the assistance of bond attorneys and the County Attorney's office, which is acceptable to the Health Center Commission.

Mr. Miller stated he believes the property should be purchased rather than donated because it represents county taxpayers' resources and is appraised at a minimum of \$100,000 per acre. He further stated, because of the county's history with Lucy Corr Village, he would be prepared to be a little more generous in conveying the county property.

Mr. Miller then made a motion for the Board to approve the conveyance of 21.9 acres, more or less, of county property to the Chesterfield County Health Center Commission at a cost of \$50,000 per acre as recommended by the County Administrator, which would reflect a purchase price of \$1,095,000; with a cash payment of \$500,000 at the time of closing; leaving the

balance of \$595,000 to be financed with a note payable to Chesterfield County without interest, payments to commence five years from the date of closing at \$100,000 per annum payable annually thereafter until paid in full, unless sooner paid; the note to be non-assumable, secured by an appropriate financing security instrument, subject also to the following conditions: 1) in the event of a voluntary sale of the property, the note would be called in full; 2) until such time as the note is paid in full, the county will have the right to approve any sale of the property; 3) in the event of foreclosure, the county will have a right of first refusal to buy the property at fair market value; and 4) to be subordinated to the bonding financing, so the county would not be in a first lien position.

Mr. King seconded the motion of Mr. Miller.

Mr. Barber inquired whether the terms imposed by Mr. Miller are financially feasible to the Health Center Commission.

Mr. Hammer stated the Health Center Commission would prefer not to have a down payment or a fixed payment schedule. He expressed concerns that the \$500,000 deposit would add an additional \$54 per month to the cost of every residential unit, and that with the additional cost, the Health Center Commission could be pricing themselves out of the independent living center market. He stated any additional costs added to the project would result in a burden applied to future residents because Lucy Corr does not have the equity to make the payments. He further stated the Health Center Commission is very supportive of the proposal in the agenda item, but he does not know what their position would be on Mr. Miller's proposal.

Mr. Barber stated that, rather than adding to Lucy Corr's cost, an argument could be made that the county is substantially reducing their cost by discounting the land and allowing payments at no interest.

Mr. Miller inquired whether anything would change if the terms were extended from six to ten years.

Mr. Warren stated the Board has always had a reputation for working closely with the Health Center Commission, and he would prefer to give them the opportunity to address the new proposal before approving it.

Mr. Miller stated the Health Center Commission has requested that the county donate the property to them. He expressed concerns relative to treating Lucy Corr Village in a radically different fashion than similar entities. He stated he would support a deferral, but assumes the Health Center Commission would return with the same request. He further stated there is nothing that would keep the Board from modifying or restructuring the loan in the future, and he believes the Board should make a decision now and move on.

Mr. Barber called for a vote on the motion of Mr. Miller, seconded by Mr. King, for the Board to authorize the conveyance of 21.9 acres, more or less, to the Health Center Commission, subject to the terms imposed by Mr. Miller.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8. NEW BUSINESS

8.A. STREETLIGHT INSTALLATION COST APPROVALS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved the following streetlight installations in the Rayon Park Subdivision:

- Congress Road, in the vicinity of 2812/2820
Cost to install streetlight: \$484.58
- Intersection of Telbury and Congress Road
Cost to install streetlight: \$484.58
- Alcott Road, vicinity of 2835
Cost to install streetlight: \$484.58
- Alcott Road, vicinity of 2911
Cost to install streetlight: \$619.74
- Taw Street, vicinity of 7506/7518
Cost to install streetlight: \$498.47

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B. APPOINTMENTS

On motion of Mr. Miller, seconded by Mr. Barber, the Board suspended its rules at this time to allow simultaneous nomination/appointment/reappointment of members to serve on the Chesterfield County Health Center Commission, Chesterfield Community Services Board, First Tee Board of Directors, Industrial Development Authority, Social Services Board, Richmond Metropolitan Convention and Visitors Bureau, and Board of Building Code Appeals.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.1. CHESTERFIELD COUNTY HEALTH CENTER COMMISSION

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Ms. Carol M. Crosby and Mr. John A. Gibney, Jr., representing the county at-large, to serve as members of the Chesterfield County Health Center Commission, whose terms are effective July 1, 2005 and expire June 30, 2009.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.2. CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mr. King, seconded by Mr. Barber, the Board simultaneously nominated/appointed Mr. Jack Stewart, Jr., representing the county at-large, to serve as a member of the

Chesterfield Community Services Board, whose term is effective July 1, 2005 and expires December 31, 2007.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.3. RICHMOND FIRST TEE BOARD OF DIRECTORS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Ralph Bolling, representing the county at-large, to serve as a member of the Richmond First Tee Board of Directors, whose term is effective immediately and expires May 31, 2008.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.4. INDUSTRIAL DEVELOPMENT AUTHORITY

On motion of Mr. Miller, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. James A. Spencer, representing the Dale District, to serve as a member of the Industrial Development Authority, whose term is effective July 1, 2005 and expires June 30, 2009.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.5. SOCIAL SERVICES BOARD

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board simultaneously nominated/reappointed Reverend Johnnie Fleming, representing the county at-large, to serve as a member of the Chesterfield-Colonial Heights Social Services Board, whose term is effective July 1, 2005 and expires June 30, 2009.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.6. RICHMOND METROPOLITAN CONVENTION AND VISITORS BUREAU

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/appointed/reappointed Mr. Neil Amin, Mr. Kirby Brooks and Mr. Heinz Mathis, representing the county at-large, to serve as members of the Richmond Metropolitan Convention and Visitors Bureau, whose terms are effective July 1, 2005 and expire June 30, 2007.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.7. BOARD OF BUILDING CODE APPEALS

Mrs. Humphrey expressed concerns relative to the district-wide distribution of members of the Board of Building Code Appeals.

In response to Mrs. Humphrey's question, Mr. Dupler stated one of the 13 members of the Board of Building Code Appeals resides in the Matoaca District.

Mr. Barber made a motion for the Board to simultaneously nominate/reappoint Mr. Stephen H. Conner, Mr. James G. Kester, Mr. Robert E. Olsen and Mr. Wolfgang Webner, representing the county at-large, to serve as members on the Board of Building Code Appeals, whose terms are effective July 1, 2005 and expire June 30, 2008.

Mr. Barber's motion failed due to lack of a second.

8.C. CONSENT ITEMS

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING DR. ALFRED GERVIN FOR PROVIDING TWENTY-ONE YEARS OF DEDICATED SERVICE TO CHESTERFIELD COUNTY

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Dr. Alfred Gervin faithfully served as Operational Medical Director for Chesterfield Fire and Emergency Medical Services Department from January 1993 to October 2004; and

WHEREAS, Dr. Gervin has faithfully served Chesterfield County for over 21 years as the original and only Operational Medical Director for the EMS Med-Flight Program since 1984; and

WHEREAS, under Dr. Gervin's direction and leadership, the roles and responsibilities of Chesterfield Fire and EMS field providers were expanded, providing an increased level of care to the citizens of Chesterfield County; and

WHEREAS, Dr. Gervin provided enthusiastic and diligent support of all Chesterfield Fire and EMS providers as their Operational Medical Director in the delivery of emergency medical care to the citizens of Chesterfield County; and

WHEREAS, under Dr. Gervin's direction and leadership, new and aggressive airway procedures for Chesterfield Fire and EMS field paramedics were instituted, including Rapid Sequence Intubation and Surgical Cricothyrotomy, and a Tactical Medic Program was instituted, providing paramedics to both state and local police tactical teams and increasing the overall safety of police officers, as well as citizens; and

WHEREAS, during Dr. Gervin's tenure as Operational Medical Director, Chesterfield Fire and EMS was awarded a National Association of Counties Award for their implementation of a new pain management procedure, including the use of Nitronox gas by field paramedics; and

WHEREAS, Dr. Gervin provided advantageous guidance and support to Chesterfield Fire and EMS as the Operational Medical Director during the implementation of the department's revenue recovery program, and the department began the development of a comprehensive quality assurance program improving the service delivery of emergency medical

care to the citizens of Chesterfield County under Dr. Gervin's leadership; and

WHEREAS, Dr. Gervin received a commendation in 1988 from the Chesterfield Board of Supervisors for service to the county in the delivery of emergency care and trauma throughout the central region of Virginia and also received an Award of Appreciation in 1988 from Virginia Governor Gerald Baliles for Service to the Commonwealth in Disaster Response and Planning; and

WHEREAS, under the direction and guidance of Dr. Gervin, Chesterfield Fire and EMS received the Governor's Award for Outstanding Emergency Medical Service Agency in 1994; and

WHEREAS, Dr. Gervin was nominated for the Governor's Award for Outstanding Medical Director for Chesterfield Fire and EMS in 1995; and

WHEREAS, Dr. Gervin while serving as Operational Medical Director for Chesterfield Fire and EMS continued his service to our country as a colonel and military physician providing research and care to military personnel around the world.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Dr. Alfred K. Gervin, and extends, on behalf of its members and the citizens of Chesterfield County, sincere appreciation for his service and dedication to improving the quality of life for Chesterfield residents.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.b. RECOGNIZING DEPUTY PAUL R. GRAY, SHERIFF'S DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Deputy Paul R. Gray began his employment with the Chesterfield County Sheriff's Office on May 3, 1982, serving in the jail dealing with inmates entrusted to the Sheriff's care; and

WHEREAS, Deputy Gray was promoted to the rank of corporal in 1985, assisting his sergeant with shift operations; and

WHEREAS, Deputy Gray took a voluntary reduction in rank in 1987 to serve as the Investigator for the Sheriff's Office; and

WHEREAS, Deputy Gray has served in several units and divisions during his tenure with the Sheriff's Office, including the Correctional Services Bureau, Quartermaster Unit and the Courts Division; and

WHEREAS, Deputy Gray served on the original Special Operations Response Team (S.O.R.T.) for the Sheriff's Office; and

WHEREAS, Deputy Gray has served the Sheriff's Office as an Emergency Medical Technician, both in the Courts Division and in the Correctional Services Bureau; and

WHEREAS, Deputy Gray has served as an Instructor for the Sheriff's Training Academy.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Deputy Paul R. Gray, expresses the appreciation of all citizens for his service to Chesterfield County, and extends congratulations upon his retirement, as well as best wishes for a long and happy retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.1.c. RECOGNIZING FIREFIGHTER GENE L. SPROUSE,
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Firefighter Gene L. Sprouse retired from the Fire and Emergency Medical Services Department, Chesterfield County, on April 1, 2005; and

WHEREAS, Firefighter Sprouse attended Recruit School #10 in 1979, and has faithfully served the county for over 25 years in various assignments as a firefighter at Chester Fire Station #1, Bon Air Fire Station #4, Buford Road Fire Station #9, Dale Fire Station #11, and Dutch Gap Fire Station #14; and

WHEREAS, Firefighter Sprouse has distinguished himself for his firefighting knowledge, skills, and abilities; and

WHEREAS, Firefighter Sprouse used his advanced skills as a member of engine and truck companies to provide for public safety in countless emergency incidents; and

WHEREAS, Firefighter Sprouse has mentored and trained many firefighters as a senior firefighter and aerial truck operator; and

WHEREAS, in 1982, Firefighter Sprouse submitted a recommendation to form a nozzle repair shop and since that time has managed the nozzle and hose repairs for the organization; and

WHEREAS, the nozzle repair shop was the first internal specialty shop within the Fire Department and has since led the way to multiple in-house repair shops; and

WHEREAS, Firefighter Sprouse designed the fire hose storage racks that are in use throughout the county fire stations; and

WHEREAS, Firefighter Sprouse provided valuable service to the organization as an Emergency Vehicle Operators' Course Instructor and Evaluator; and

WHEREAS, in 2004 Firefighter Sprouse received a Life Saved Award for his actions during Hurricane Gaston after

assisting in the swift water rescue of three civilians who drove their vehicle into dangerous fast-moving water off Turner Road; and

WHEREAS, Firefighter Sprouse has readily responded to every need of the Fire Department within his capability and has earned the respect and admiration of the entire Fire Department through his dedication to public service, his willingness to work long hours without complaint, and his creativity in performing a variety of jobs.

NOW, THEREFORE BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter Gene L. Sprouse, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.d. RECOGNIZING MRS. SANDRA E. DENNEY, SOCIAL SERVICES DEPARTMENT, UPON HER RETIREMENT

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Mrs. Sandra E. Denney began her public service with Chesterfield County as a Senior Clerical Aide in the Department of Social Services on December 12, 1988; and

WHEREAS, Mrs. Denney was responsible for processing all agency mail and ensuring that it was completed in an efficient and expeditious manner; and

WHEREAS, Mrs. Denney aided in the successful delivery of food stamps to needy citizens by coordinating volunteer services and verifying distribution packages for accuracy; and

WHEREAS, Mrs. Denney served as a member of the department's Quality Council and participated as a valued member of many agency goal groups; and

WHEREAS, Mrs. Denney represented the department for many years as a tireless advocate for Relay for Life, American Heart Walk and the United Way; and

WHEREAS, Mrs. Denney assisted each year in planning and coordinating the agency's annual holiday celebrations, using her many skills and knowledge; and

WHEREAS, throughout her career Mrs. Denney has been a dedicated and committed employee whose efforts have aided the Social Services Department in meeting the needs of the citizens of Chesterfield County and Colonial Heights.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Sandra E. Denney, expresses the appreciation of all residents for her service to the county,

and extends congratulations upon her retirement as well as best wishes for a long and happy retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.1.e. RECOGNIZING MR. ROBERT WILLIAM RICHARD UPON
ATTAINING THE RANK OF EAGLE SCOUT**

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Robert William Richard, Troop 178, sponsored by Ivey Memorial United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Robert has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. Robert William Richard, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as one of its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2. APPROVAL OF FY2005 SCHOOL BOARD OPERATING FUND YEAR-END REVISIONS

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved the reserve of \$1,487,526 for re-appropriation in FY2006 in various accounts; and decreased revenue and expenditure appropriations in the School Operating Fund by a net of \$347,613 (decreasing the Instruction appropriation category by \$928,033, increasing the Administration/Attendance and Health appropriation categories by \$306,645, and increasing the debt service category by \$273,775).

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.3. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE FURNITURE FOR THE SALEM CHURCH MIDDLE SCHOOL LIBRARY

On motion of Mr. Warren, seconded by Mr. Miller, the Board transferred \$6,000 from the Dale District Improvement Fund to the School Board to purchase furniture for the Salem Church Middle School Library.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.4. REQUEST FOR MUSIC/ENTERTAINMENT FESTIVAL PERMIT FROM THE CHESTERFIELD COUNTY FAIR ASSOCIATION

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from the Chesterfield County Fair Association for a music/entertainment festival permit for the annual Chesterfield County Fair, subject to compliance with staff recommendations.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.5. APPROVE A CHANGE ORDER TO A. D. WHITTAKER CONSTRUCTION COMPANY FOR A NEW MAIN ELECTRICAL PANEL FOR THE JAIL REPLACEMENT PROJECT

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the County Administrator to execute a change order to A. D. Whittaker Construction Company in the amount of \$253,887 for a new main electrical panel for the jail replacement project.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.6. AUTHORIZE THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND THE OFFICE FOR DOMESTIC PREPAREDNESS

8.C.6.a. FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR FIRST RESPONDERS

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Fire and Emergency Medical Services Department to receive and appropriate \$246,229 in grant funds from the United States Department of Homeland Security and the Office of Domestic Preparedness for the purchase of personal protective equipment for first responders. (It is noted the required local match, in the amount of \$105,526, is available in the FY2005 operating budget from savings related to retirements and position vacancies.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.6.b. FOR THE COMMUNITY EMERGENCY RESPONSE TEAMS (CERT) PROGRAM

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Office of Emergency Management to receive and appropriate \$21,000 in grant funds from the United States Department of Homeland Security and the Office for Domestic Preparedness for the Community Emergency Response Teams (CERT) Program. (It is noted no local match is required.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7. SET PUBLIC HEARINGS

8.C.7.a. TO CONSIDER AN ORDINANCE AMENDMENT TO SECTION § 14-23 AND REPEAL SECTION § 14-24 OF THE COUNTY CODE RELATING TO USE OF ALCOHOL ON CERTAIN PUBLIC PROPERTY

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider amending Section 14-23 and repealing Section 14-24 of the County Code relating to the use of alcohol on certain public property.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.b. TO CONSIDER THE CHESTER PLAN, AN AMENDMENT TO THE PLAN FOR CHESTERFIELD, INCLUDING REPLACEMENT OF THE CHESTER VILLAGE PLAN AND AMENDMENTS TO THE CENTRAL AREA PLAN AND THE THOROUGHFARE PLAN

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider The Chester Plan, an amendment to The Plan for Chesterfield,

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.c. TO CONSIDER AN AMENDMENT TO SECTION 17-5 OF THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED RELATING TO SUBDIVISION PLAT RESTRICTION, APPROVAL AND EXEMPTION PROVISIONS

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider an amendment to Section 17-5 of the County Code relating to subdivision plat restriction, approval and exemption provisions.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.d. TO CONSIDER AMENDMENTS TO THE REVENUE RECOVERY ORDINANCE

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider amendments to the county's Revenue Recovery Ordinance.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.e. TO CONSIDER AMENDMENTS TO SECTIONS 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301, AND 19-510 OF THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED RELATING TO HOME OCCUPATIONS

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider amendments to Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301 and 19-510 of the County Code relating to home occupations.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.f. TO CONSIDER AMENDING COUNTY CODE SECTION 2-80 RELATING TO JUVENILE FIREFIGHTERS

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider amending Section 2-80 of the County Code relating to juvenile firefighters.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.g. TO CONSIDER AMENDMENTS TO SECTIONS 14-14 THROUGH 14-16 OF THE COUNTY CODE REGULATING THE USE OF PNEUMATIC GUNS IN THE COUNTY

In response to Mr. Miller's questions, Mr. Micas stated the proposed ordinance is generally designed to provide for local regulation of paintball activity.

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider amending Sections 14-14 through 14-16 of the County Code regulating pneumatic guns in the county.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.h. TO CONSIDER AMENDMENTS TO COUNTY CODE SECTIONS 14-9, 14-10 AND 14-11 RELATING TO CARRYING LOADED FIREARMS AND DISCHARGING LOADED FIREARMS ON OR NEAR PUBLIC HIGHWAYS, PUBLIC SCHOOLS, OR PUBLIC PARKS

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of July 27, 2005 at 7:00 p.m. for a public

hearing for the Board to consider amendments to Sections 14-9, 14-10 and 14-11 of the County Code relating to carrying and discharging firearms on or near public highways, public schools or public parks.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.7.j. TO CONSIDER ADOPTION OF AN ORDINANCE CREATING A
TRANSPORTATION (ROAD CONSTRUCTION) SERVICE DISTRICT
AT CENTERPOINTE**

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of August 24, 2005 for a public hearing for the Board to consider adoption of an ordinance creating a transportation service district at Centerpointe.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.8. TRANSFER OF FUNDS AND AUTHORIZATION TO ACQUIRE RIGHT-
OF-WAY FOR ROUTE 360 WIDENING (SWIFT CREEK -
WINTERPOCK ROAD) EASTBOUND LANE BOND PROJECT**

On motion of Mr. Warren, seconded by Mr. Miller, the Board transferred \$250,000 from the General Road Improvement Account for the Route 360 Widening (Swift Creek - Winterpock Road) Eastbound Lane bond project.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.9. STATE ROAD ACCEPTANCE

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Ashley Forest, Section C; remainder of**

- **Alderwood Way, State Route Number: 4595**

From: 0.03 Mi. E of Alderwood Ct., (Rt. 4558)

To: 0.05 Mi. E of Alderwood Ct., (Rt. 4558), a distance of: 0.02 miles.

Right-of-way record was filed on 6/4/2002 with the Office Of Clerk To Circuit Court in Pb., 126, Pg. 76,
with a width of 44 Ft.

- **Alderwood Way, State Route Number: 4595**

From: 0.05 Mi. E of Alderwood Ct., (Rt. 4558)

To: 0.07 Mi. E of Alderwood Ct., (Rt. 4558), a distance of: 0.02 miles.

Right-of-way record was filed on 6/4/2002 with the Office Of Clerk To Circuit Court in Pb., 126, Pg. 76,
with a width of 44 Ft.

- **Alderwood Loop, State Route Number: 5896**

From: 0.05 Mi. E of Alderwood Ct., (Rt. 4558) on Alderwood Wy., (Rt. 4595)

To: 0.07 Mi. E of Alderwood Ct., (Rt. 4558) on Alderwood Wy., (Rt. 4595), a distance of: 0.04 miles.

Right-of-way record was filed on 6/4/2002 with the Office Of Clerk To Circuit Court in Pb., 126, Pg. 76,
with a width of 44 Ft.

- **Alderwood Way, State Route Number: 4595**

From: 0.07 Mi. E of Alderwood Ct., (Rt. 4558)

To: 0.16 Mi. E of Alderwood Ct., (Rt. 4558), a distance of: 0.09 miles.

Right-of-way record was filed on 6/4/2002 with the Office Of Clerk To Circuit Court in Pb., 126, Pg. 76,
with a width of 44 Ft.

- **Ashley Forest Drive, State Route Number: 5897**

From: Alderwood Wy., (Rt. 4595)

To: Wellspring Rd., (Rt. 4599), a distance of: 0.04 miles.

Right-of-way record was filed on 6/4/2002 with the Office Of Clerk To Circuit Court in Pb., 126, Pg. 76,
with a width of 44 Ft.

- **Alderwood Way, State Route Number: 4595**

From: Ashley Forest Dr., (Rt. 5897)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 6/4/2002 with the Office Of Clerk To Circuit Court in Pb., 126, Pg. 76,
with a width of 44 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats
recorded in the Clerk's Office of the Circuit Court of
Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Littlebury, Section 2**

● **Cadbury Court, State Route Number: 5889**

From: Littlebury Dr., (Rt. 5752)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 5/4/2004 with the Office Of Clerk To Circuit Court in Pb. 143, Pg. 46,
with a width of 50 Ft.

● **Littlebury Drive, State Route Number: 5752**

From: 0.02 Mi. E of Quixton Ln., (Rt. 5755)

To: Cadbury Ct., (Rt. 5889), a distance of: 0.06 miles.

Right-of-way record was filed on 5/4/2004 with the Office Of Clerk To Circuit Court in Pb. 143, Pg. 46,
with a width of 50 Ft.

● **Littlebury Drive, State Route Number: 5752**

From: Cadbury Ct., (Rt. 5889)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 5/4/2004 with the Office Of Clerk To Circuit Court in Pb. 143, Pg. 46,
with a width of 50 Ft.

● **Longmeadow Circle, State Route Number: 5131**

From: 0.01 Mi. N of Littlebury Dr., (Rt. 5752)

To: Quixton Ln., (Rt. 5755), a distance of: 0.15 miles.

Right-of-way record was filed on 5/4/2004 with the Office Of Clerk To Circuit Court in Pb. 143, Pg. 46,
with a width of 60 Ft.

● **Longmeadow Circle, State Route Number: 5131**

From: Quixton Ln., (Rt. 5755)
To: 0.01 Mi. NE of Quixton Ln., (Rt. 5755), a distance of: 0.01 miles.

Right-of-way record was filed on 5/4/2004 with the Office Of Clerk To Circuit Court in Pb. 143, Pg. 46,
with a width of 60 Ft.

● **Quixton Lane, State Route Number: 5755**

From: Longmeadow Cr., (Rt. 5131)
To: 0.12 Mi. S of Longmeadow Cr., (Rt. 5131), a distance of: 0.12 miles.

Right-of-way record was filed on 5/4/2004 with the Office Of Clerk To Circuit Court in Pb. 143, Pg. 46,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Providence, Section 1

● **Providence Knoll Drive, State Route Number: 5882**

From: Providence Ridge Rd., (Rt. 5880)
To: 0.18 Mi. NE of Providence Ridge Rd., (Rt. 5880), a distance of: 0.18 miles.

Right-of-way record was filed on 7/25/2005 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 36,
with a width of 50 Ft.

● **Providence Knoll Drive, State Route Number: 5882**

From: Providence Ridge Rd., (Rt. 5880)
To: 0.28 Mi. N of Providence Ridge Rd., (Rt. 5880), a distance of: 0.28 miles.

Right-of-way record was filed on 7/25/2005 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 36,
with a width of 50 Ft.

● **Providence Ridge Court, State Route Number: 5881**

From: Providence Ridge Rd., (Rt. 5880)
To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 7/25/2005 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 36,
with a width of 40 Ft.

● **Providence Ridge Road, State Route Number: 5880**

From: Reams Rd., (Rt. 647)
To: Providence Ridge Ct., (Rt. 5881), a distance of: 0.06 miles.

Right-of-way record was filed on 7/25/2005 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 36,
with a width of 68 Ft.

● **Providence Ridge Road, State Route Number: 5880**

From: Providence Ridge Ct., (Rt. 5881)
To: Providence Knoll Dr., (Rt. 5882), a distance of: 0.04 miles.

Right-of-way record was filed on 7/25/2005 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 36,
with a width of 68 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Shepherds Watch, Section A**

● **Hunters Lake Place, State Route Number: 5893**

From: Hunters Lake Ln., (Rt. 5892)

To: 0.09 Mi. W of Hunters Lake Ln., (Rt. 5892), Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 9/30/2003 with the Office Of Clerk To Circuit Court in Pb. 137, Pg. 27,
with a width of 40 Ft.

● **Hunters Lake Lane, State Route Number: 5892**

From: Shepherds Watch Dr., (Rt. 5891)

To: 0.07 Mi. N of Shepherds Watch Dr., (Rt. 5891), a distance of: 0.07 miles.

Right-of-way record was filed on 9/30/2003 with the Office Of Clerk To Circuit Court in Pb. 137, Pg. 27,
with a width of 40 Ft.

● **Hunters Lake Lane, State Route Number: 5892**

From: 0.07 Mi. N of Shepherds Watch Dr., (Rt. 5891)

To: 0.08 Mi. N of Shepherds Watch Dr., (Rt. 5891), a distance of: 0.01 miles.

Right-of-way record was filed on 9/30/2003 with the Office Of Clerk To Circuit Court in Pb. 137, Pg. 27,
with a width of 40 Ft.

● **Hunters Lake Turn, State Route Number: 5894**

From: Hunters Lake Ln., (Rt. 5892)

To: 0.23 Mi. E of Hunters Lake Ln., (Rt. 5892), Cul-de-sac, a distance of: 0.23 miles.

Right-of-way record was filed on 9/30/2003 with the Office Of Clerk To Circuit Court in Pb. 137, Pg. 27,
with a width of 40 Ft.

● **Shepherds Watch Drive, State Route Number: 5891**

From: Newbys Bridge Rd., (Rt. 649)

To: Hunters Lake Ln., (Rt. 5892), a distance of: 0.12 miles.

Right-of-way record was filed on 9/30/2003 with the Office Of Clerk To Circuit Court in Pb. 137, Pg. 27,
with a width of 50 Ft.

● **Shepherds Watch Drive, State Route Number: 5891**

From: Hunters Lake Ln., (Rt. 5892)

To: Cul-de-sac, a distance of: 0.02 miles.

Right-of-way record was filed on 9/30/2003 with the Office Of Clerk To Circuit Court in Pb. 137, Pg. 27,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Shepherds Watch, Section B**

● **Shepherds Mill Drive, State Route Number: 5895**

From: Shepherds Watch Dr., (Rt. 5891)

To: Cul-de-sac, 0.03 Mi. S of Shepherds Watch Dr., (Rt. 5891), a distance of: 0.03 miles.

Right-of-way record was filed on 8/19/2004 with the Office Of Clerk To Circuit Court in Pb. 146, Pg. 89,
with a width of 40 Ft.

● **Shepherds Mill Drive, State Route Number: 5895**

From: Shepherds Watch Dr., (Rt. 5891)

To: Cul-de-sac, 0.06 Mi. N of Shepherds Watch Dr., (Rt. 5891), a distance of: 0.06 miles.

Right-of-way record was filed on 8/19/2004 with the Office Of Clerk To Circuit Court in Pb. 146, Pg. 89,
with a width of 40 Ft.

● **Shepherds Watch Drive, State Route Number: 5891**

From: 0.02 Mi. W of Hunters Lake Ln., (Rt. 5892)

To: Shepherds Mill Dr., (Rt. 5895), a distance of: 0.14 miles.

Right-of-way record was filed on 8/19/2004 with the Office Of Clerk To Circuit Court in Pb. 146, Pg. 89,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Hampton Park Drive**

- **Hampton Park Drive, State Route Number: 5190**

From: 0.01 Mi. W of Hampton Meadows Ln., (Rt. 4645)

To: 0.05 Mi. W of Hampton Chase Wy., (Rt. 5821), a distance of: 0.39 miles.

Right-of-way record was filed on 11/17/2000 with the Office Of Clerk To Circuit Court in Db. 3948, Pg.

166, with a width of 90 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Leland Village, Section A**

- **Alcorn Terrace, State Route Number: 5886**

From: Alcorn Wy., (Rt. 5885)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 12/11/2003 with the Office Of Clerk To Circuit Court in Pb. 139, Pg. 70,

with a width of 44/50 Ft.

● **Alcorn Terrace, State Route Number: 5886**

From: Alcorn Wy., (Rt. 5885)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 12/11/2003 with the Office Of Clerk To Circuit Court in Pb. 139, Pg. 70,
with a width of 44/50 Ft.

● **Alcorn Way, State Route Number: 5885**

From: Charter Colony Pkwy., (Rt. 950)

To: Jeffries Wy., (Rt. 5842), a distance of: 0.09 miles.

Right-of-way record was filed on 12/11/2003 with the Office Of Clerk To Circuit Court in Pb. 139, Pg. 70,
with a width of 44 Ft.

● **Alcorn Way, State Route Number: 5885**

From: Jeffries Wy., (Rt. 5842)

To: Alcorn Ter., (Rt. 5886), a distance of: 0.06 miles.

Right-of-way record was filed on 12/11/2003 with the Office Of Clerk To Circuit Court in Pb. 139, Pg. 70,
with a width of 44 Ft.

● **Jeffries Way, State Route Number: 5842**

From: Alcorn Wy., (Rt. 5885)

To: 0.03 Mi. S of Alcorn Wy., (Rt. 5885), a distance of: 0.03 miles.

Right-of-way record was filed on 12/11/2003 with the Office Of Clerk To Circuit Court in Pb. 139, Pg. 70,
with a width of 44 Ft.

● **Jeffries Way, State Route Number: 5842**

From: Alcorn Wy., (Rt. 5885)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 12/11/2003 with the Office Of Clerk To Circuit Court in Pb. 139, Pg. 70,
with a width of 44/50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Ridgemoor at the Grove, Section 1**

- **Ridgemoor Drive, State Route Number: 5890**

From: Grove Hill Rd., (Rt. 5471)

To: End of Maintenance (Cul-de-sac), a distance of: 0.07 miles.

Right-of-way record was filed on 7/14/2003 with the Office Of Clerk To Circuit Court in Pb. 134, Pg. 92,

with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Scotter Hills at the Grove, Section 1**

- **Scotter Hills Drive, State Route Number: 5887**

From: Scotter Hills Ln., (Rt. 5888)

To: 0.05 Mi. W of Scotter Hills Ln., (Rt. 5888), a distance of: 0.05 miles.

Right-of-way record was filed on 7/14/2003 with the Office Of Clerk To Circuit Court in Pb. 134, Pg. 87,

with a width of 40 Ft.

- **Scotter Hills Drive, State Route Number: 5887**

From: Scotter Hills Dr., (Rt. 5887)

To: 0.07 Mi. E of Scotter Hills Dr., (Rt. 5887), a distance of: 0.07 miles.

Right-of-way record was filed on 7/14/2003 with the Office Of Clerk To Circuit Court in Pb. 134, Pg. 87,
with a width of 40 Ft.

● **Scotter Hills Drive, State Route Number: 5887**

From: 0.05 Mi. W of Scotter Hills Ln., (Rt. 5888)

To: 0.05 Mi. W of Scotter Hills Dr., (Rt. 5887), a distance of: 0.05 miles.

Right-of-way record was filed on 7/14/2003 with the Office Of Clerk To Circuit Court in Pb. 134, Pg. 87,
with a width of 60 Ft.

● **Scotter Hills Drive, State Route Number: 5887**

From: 0.05 Mi. W of Scotter Hills Dr., (Rt. 5887)

To: Grove Hill Rd., (Rt. 5471), a distance of: 0.04 miles.

Right-of-way record was filed on 7/14/2003 with the Office Of Clerk To Circuit Court in Pb. 134, Pg. 87,
with a width of 70 Ft.

● **Scotter Hills Lane, State Route Number: 5888**

From: N. Woolridge Rd., (Rt. 668)

To: Scotter Hills Dr., (Rt. 5887), a distance of: 0.08 miles.

Right-of-way record was filed on 7/14/2003 with the Office Of Clerk To Circuit Court in Pb. 134, Pg. 87,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Tanner Village, Section B**

● **Jeffries Terrace, State Route Number: 5883**

From: Jeffries Wy., (Rt. 5842)
To: 0.06 Mi. W of Jeffries Wy., (Rt. 5842), a distance of: 0.06 miles.

Right-of-way record was filed on 5/21/2004 with the Office Of Clerk To Circuit Court in Pb. 144, Pg. 3,
with a width of 44 Ft.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.10. AUTHORIZATION FOR T-MOBILE TO APPLY FOR CONDITIONAL USE OR CONDITIONAL USE PLANNED DEVELOPMENT FOR COMMUNICATIONS ANTENNAE TO BE INSTALLED ON COUNTY PROPERTY AT MONACAN HIGH SCHOOL

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized T-Mobile to apply for conditional use or conditional use planned development for communications antennae to be installed on county property at Monacan High School. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.11. APPROVAL OF UTILITY CONTRACT FOR COLLINGTON SECTION 7

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved the following utility contract for Collington Section 7, Contract Number 04-0188, which includes the extension of 2,610 L.F. ± of 12-inch offsite water lines:

Developer: Doug Sowers
Contractor: Bookman Construction Company, Inc.
Contract Amount:
Estimated County Cost for Offsite. \$38,484.50
Estimated Developer Cost \$418,641.50
Estimated Total. \$457,126.00

Code: Refunds thru Connections - Offsite 5B-572VO-E4D
District: Matoaca

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.12. CONSIDERATION OF THE USE OF A WASTEWATER PUMPING STATION TO SERVE A PORTION OF THE PROPOSED MEADOWVILLE LANDING SUBDIVISION IN THE ENON CHURCH ROAD/MEADOWVILLE ROAD AREA

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved the use of a wastewater pump station to serve a portion of the proposed Meadowville Landing Subdivision in the Enon Church Road/Meadowville Road area. (It is noted a

copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.13. ACCEPTANCE OF PARCELS OF LAND

8.C.13.a. ALONG THE EAST RIGHT OF WAY LINE OF ELOKOMIN AVENUE AND THE NORTH RIGHT OF WAY LINE OF OSBORNE ROAD FROM TONY AND ATHENA AGAPIS

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of three parcels of land containing a total of 0.0573 acres along the east right of way line of Elokomin Avenue (State Route 705) and the north right of way line of Osborne Road (State Route 616) from Tony and Athena Agapis, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.13.b. FOR PROPOSED COGBILL ROAD AND NEWBYS BRIDGE ROAD IMPROVEMENTS FROM CASCADE CREEK HOMES, INCORPORATED

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 4.8613 acres for proposed Cogbill Road and Newbys Bridge Road improvements from Cascade Creek Homes, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.13.c. ALONG THE EAST RIGHT OF WAY LINE OF OLD HUNDRED ROAD FROM G.B.S. HOLDING, LIMITED

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 0.444 acres along the east right of way line of Old Hundred Road (State Route 652) from G.B.S. Holding, Limited, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.13.d. ALONG THE EAST RIGHT OF WAY LINE OF JEFFERSON DAVIS HIGHWAY FROM GURU DAVE, INCORPORATED

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of two parcels of land containing a total of 0.022 acres along the east right of way line of

Jefferson Davis Highway (US Route 1) from Guru Dave, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.13.e. ALONG THE EAST RIGHT OF WAY LINE OF NORTH PINETTA DRIVE FROM M-3 INVESTORS, LLC

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of two parcels of land containing a total of 0.045 acres along the east right of way line of North Pinetta Drive (State Route 755) from M-3 Investors, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.13.f. ALONG THE WEST RIGHT OF WAY LINE OF BEAVER BRIDGE ROAD FROM TRUSTEES OF PARKWAY BAPTIST CHURCH

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of three parcels of land containing a total of 0.577 acres along the west right of way line of Beaver Bridge Road (State Route 603) from Trustees of Parkway Baptist Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.14. REQUESTS FOR PERMISSION

8.C.14.a. FROM GARY T. AND BONNIE JENNINGS TO AID IN THE ACQUISITION OF OFFSITE WATER AND TEMPORARY CONSTRUCTION EASEMENTS FOR HAMPTON FARMS

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized Right of Way staff to aid Gary T. and Bonnie Jennings in the acquisition of offsite water and temporary construction easements to serve Hampton Farms, subject to the developer executing a contract agreeing to pay all costs. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.14.b. FROM AUBREY L. AND PHYLLIS W. THROCKMORTON TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON JESSUP ROAD

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Aubrey L. Throckmorton and Phyllis W.

Throckmorton for permission to install a private sewer service within a private easement to serve property at 5830 Jessup Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.14.c. FROM JAMES C. AND MARSHA S. BOWKER FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT AND AN EIGHT-FOOT EASEMENT ACROSS LOT 6, BLOCK A, WOODFIELD SUBDIVISION

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from James C. Bowker and Marsha S. Bowker for permission for a proposed fence to encroach within a 16-foot drainage easement and an eight-foot easement across Lot 6, Block A, Woodfield Subdivision, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.14.d. FROM DAWN F. BRUDIE FOR AN EXISTING DECK TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 4, BLOCK H, BAILEY RIDGE ESTATES, SECTION C

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Dawn F. Brudie for permission for an existing deck to encroach within a 16-foot drainage easement across Lot 4, Block H, Bailey Ridge Estates, Section C, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.14.e. FROM MICHAEL AND CANDACE CROUCH FOR A PROPOSED FENCE, BASKETBALL GOAL AND AN ASPHALT DRIVEWAY PAD TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 14, RUTHERFORD VILLAGE AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Michael Crouch and Candace Crouch for permission for a proposed fence, basketball goal and an asphalt driveway pad to encroach within a 16-foot drainage easement across Lot 14, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.14.f. FROM GLENN F. AND COLLEEN L. HERRIN FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 16, RUTHERFORD VILLAGE AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Glenn F. Herrin and Colleen L. Herrin for permission for a proposed fence to encroach within a 16-foot drainage easement across Lot 16, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.14.g. FROM WESLEY C. AND PAMELA DAWN HOWARD FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 26, ARMISTEAD VILLAGE AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Wesley C. Howard and Pamela Dawn Howard for permission for a proposed fence to encroach within a 16-foot drainage easement across Lot 26, Armistead Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.14.h. FROM GERALD F. AND REBECCA H. JOHNSON FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 7, HARTLEY VILLAGE AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Gerald F. Johnson and Rebecca H. Johnson for permission for a proposed fence to encroach within an eight-foot easement across Lot 7, Hartley Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.14.i. FROM CHRISTOPHER AND EMILY RICKMAN FOR A FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 8, TANNER VILLAGE AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Christopher Rickman and Emily Rickman for permission for a fence to encroach two feet into a 16-foot drainage easement across Lot 8, Tanner Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.15. REQUESTS TO VACATE AND REDEDICATE

8.C.15.a. SIXTEEN-FOOT AND VARIABLE WIDTH SEWER AND WATER EASEMENTS ACROSS THE PROPERTY OF COLONY CROSSING, LLC

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an agreement to vacate and rededicate 16-foot and variable width sewer and water easements across the property of Colony Crossing, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.15.b. SIXTEEN-FOOT AND VARIABLE WIDTH WATER EASEMENTS ACROSS THE PROPERTY OF HARBOUR POINTE MOB, LLC

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an agreement to vacate and rededicate 16-foot and variable width water easements across the property of Harbour Pointe MOB, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.15.c. SIXTEEN-FOOT AND VARIABLE WIDTH SEWER AND WATER EASEMENTS ACROSS THE PROPERTIES OF WATERCROSS DEVELOPMENT, INCORPORATED AND 3L, L.L.C.

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an agreement to vacate and rededicate 16-foot and variable width sewer and water easements across the properties of Watercross Development, Incorporated and 3L, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.16. APPROPRIATION OF FUNDS FOR THE CHESTERFIELD COMMUNITY SERVICES BOARD TO PROVIDE SUBSTANCE ABUSE SERVICES FOR CHESTERFIELD PROBATION AND PAROLE, DISTRICT NUMBER 27

On motion of Mr. Warren, seconded by Mr. Miller, the Board appropriated \$100,000 in revenue and expenditures for the Chesterfield Community Services Board to provide substance abuse services for Chesterfield Probation and Parole, District Number 27, and established one full-time position for the Chesterfield Community Services Board, county department of Mental Health, Mental Retardation, and Substance Abuse Services.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.17. RENEWAL OF LEASE OF PROPERTY FOR THE OFFICE OF
COMMUNITY CORRECTION SERVICES**

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved the renewal of a lease with Krause Road Properties, L.L.C. for 2963 square feet of office space at 10111 Krause Road, Suite 100 for the Office of Community Correction Services, and authorized the County Administrator to execute the lease agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.18. REQUESTS TO QUITCLAIM

**8.C.18.a. A PORTION OF A TWENTY-FOOT SEWER EASEMENT ACROSS
THE PROPERTY OF GRAY LAND AND DEVELOPMENT COMPANY,
L.L.C.**

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 20-foot sewer easement across the property of Gray Land and Development Company, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

**8.C.18.b. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS
THE PROPERTY OF JRP PROPERTIES, L. C.**

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of JRP Properties, L. C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

**8.C.19. AUTHORIZATION FOR SPRINT TO APPLY FOR CONDITIONAL
USE OR CONDITIONAL USE PLANNED DEVELOPMENT FOR
COMMUNICATIONS ANTENNAE TO BE INSTALLED ON COUNTY
PROPERTY AT GOYNE PARK**

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized Sprint to apply for conditional use or conditional use planned development for communications antennae to be installed on county property at Goyne Park. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.20. REQUEST TO AID G.B.S. HOLDING, LIMITED IN THE ACQUISITION OF OFFSITE SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR HALLSLEY SUBDIVISION

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized Right of Way staff to aid G.B.S. Holding, Limited in the acquisition of offsite sewer and temporary construction easements to serve Hallsley Subdivision, subject to the developer executing a contract agreeing to pay all costs. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.22. ACCEPTANCE AND APPROPRIATION OF A STATE GRANT FROM THE VIRGINIA SUPREME COURT FOR THE JUVENILE DRUG COURT

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted and appropriated \$182,500 in grant funds from the Virginia Supreme Court to support the Juvenile Drug Court Program. (It is noted no new positions will be created with the grant funds.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.23. CONSIDERATION OF AN AGREEMENT WITH THE CHESTERFIELD COUNTY SCHOOL BOARD FOR THE USE OF SCHOOL BUSES FOR PROGRAMS CONDUCTED BY THE DEPARTMENT OF PARKS AND RECREATION

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the County Administrator to execute an agreement, in a form approved by the County Attorney, with the Chesterfield County School Board for the use of school buses for programs conducted by the Department of Parks and Recreation. (It is noted a copy of the agreement is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

The following items were removed from the Consent Agenda for Board discussion:

8.C.7.i. TO CONSIDER AMENDING COUNTY CODE SECTION 15-196 RELATING TO RATES FOR TAXI SERVICES

Mr. Barber stated he serves as the Chairman of the Regional Taxicab Advisory Board. He further stated the increased cost of gas and insurance has affected the taxicab industry, and they have asked for a slight rate increase.

On motion of Mr. Barber, seconded by Mr. King, the Board set the date of July 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider an amendment to Section 15-196 of the County Code relating to rates for taxi services.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.21. ALLOCATION OF FUNDS CURRENTLY DESIGNATED IN THE 2006 BUDGET TO THE GREATER RICHMOND PARTNERSHIP

Mr. Barber stated some of the issues raised by Board members during budget discussions relative to benefits of the county's membership in the Greater Richmond Partnership have been addressed, and additional concerns will be addressed over the next year. He stated he still has questions about services paid for by the Partnership through the Chamber of Commerce and expressed concerns as to whether or not the services being offered by the Chamber of Commerce are part of the Partnership's mission to be a marketing arm for the region. He further stated he is now recommending that the Board allocate the funds designated in the budget for the Partnership and allow them an additional year to address concerns raised by Board members.

Mr. Miller stated he will support Mr. Barber's motion, indicating that he expects a reasonable accounting from organizations who receive donations from the county as to how the county's resources are being used.

Mr. King commended Mr. Barber for requiring the Greater Richmond Partnership to provide an accountability of its use of county's funds.

On motion of Mr. Barber, seconded by Mr. King, the Board allocated \$390,000 currently designated in the 2006 budget to the Greater Richmond Partnership.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mr. Miller, seconded by Mr. King, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

11. DINNER

On motion of Mr. Miller, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Elder Victoria Webb, Co-Pastor, Community of Christ Church gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Ms. Ashley Simard led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING MS. ASHLEY SIMARD FOR OUTSTANDING ACCOMPLISHMENTS

Mr. Kappel introduced Ms. Ashley Simard who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Ashley Simard is a resident of Chesterfield County, Virginia; and

WHEREAS, Ms. Simard created a Power Point project of her own design as an entry in the International Peace Project category of the 2004 International Children's Games; and

WHEREAS, the International Children's Games promote peace all around the world; and

WHEREAS, young athletes from many nations compete in various events, and also share their culture with athletes competing from other countries; and

WHEREAS, Ms. Simard's project earned a first-place award in this international endeavor; and

WHEREAS, her project was set to the music of, "The Children Are Our Future"; and

WHEREAS, Ms. Simard's award-winning project was inspirational and contributed to the important goal of enhanced understanding leading to world peace; and

WHEREAS, Ms. Simard's accomplishment reflects favorably on her as an individual, and reflects positively on Chesterfield County; and

WHEREAS, it is appropriate to recognize this significant accomplishment.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of June 2005, publicly recognizes the superior achievements of Ms. Ashley Simard, congratulates her on being selected as a first-place winner in the International Peace Project, and wishes her continued success in all her endeavors.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Ms. Simard, accompanied by members of her family, congratulated her on her outstanding accomplishments, and wished her continued success in future endeavors.

Ms. Simard expressed appreciation to the Board for the recognition.

Board members and the audience viewed Ms. Simard's award-winning presentation.

A standing ovation followed the presentation.

14.B. RECOGNIZING MANCHESTER MIDDLE SCHOOL'S FUTURE PROBLEM SOLVING TEAMS

Mr. Kappel introduced members of Manchester Middle School's Future Problem Solving Teams, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, in April 2005, the Manchester Middle School Future Problem Solvers competed at the State Bowl held at Powhatan High School; and

WHEREAS, the Manchester students acquitted themselves well, earning a variety of awards; and

WHEREAS, for presentation of the Action Plan in the seventh and eighth grade category, First Place was awarded to Caroline Kellis, Anne Hermes, Stefanie Mahaboob and Megan O'Donnell; and

WHEREAS, Second Place was awarded to Christine Golden, Colin Mason, Kelsey Huffer and Jacob Shaffer; and

WHEREAS, Third Place was awarded to the team of John Kimbriel, Haley Barber, McGowan Day and Caitlin Rotchford; and

WHEREAS, Honorable Mention went to Abbie Pettigrew, Alex Lombardi, Amanda Scott and Carolyn Emery; and

WHEREAS, for the Competition Booklet, Virginia Blanton, Matt Henderson, Chris Frantel and Emma England won First Place, and Casey Cordrey, Kyle Jansen, Ben Roble and Hannah Straton earned the Third Place award; and

WHEREAS, the First Place team traveled to the University of Kentucky earlier this month to represent the state of Virginia at the International Conference; and

WHEREAS, Honorable Mention for the team booklet went to the team of Sara Bachouros, Tucker Matthews, Alex Schmid and Maura Mays; to the team of Tori Bednar, Daniel Miranian, Stephanie Hubbard and Riley Wilson; to the team of Mitch Caudill, Justin Nyczepir, Ed Winsor and Eric Sawchak; and to the team of Cara Herchenrother, Kelsey Tetsworth, Emily Via and Jessica Short; and

WHEREAS, in the Individual Competition, Jack Newton received the First Place award and also competed at the International Conference; and

WHEREAS, Honorable Mention in the Individual Competition went to Rachel Tilghman; and

WHEREAS, eighth grader Alex Lombardi, nominated by teammate Abbie Pettigrew, won the special George Wythe Medallion, awarded to one student per age division for teamwork; and

WHEREAS, the sixth grade First Place award for Presentation of the Action Plan was presented to Andrew Bosch, Patrick Crean, Sean Alexander and Eric Most; the Second Place award to Mattea Falk, Holly Brown, April Smith, John Martin and Alex Trumble; and the Third Place award to Abby Badura, Alex Beall, David Salay and Chris Zoghby; and

WHEREAS, the sixth grade Competition Booklet Second Place award went to Andrew Bosch, Patrick Crean, Sean Alexander and Eric Most; Honorable Mention to Ashley Blackwell, Jessie Li, Tess Powers and T. J. Seay, along with Mattea Falk, April Smith, John Martin and Alex Trumble; and

WHEREAS, Second Place in the Individual Competition was awarded to Holly Brown; and

WHEREAS, all of these accomplishments demonstrate that these students are leaders now, and leaders of the future.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of June 2005, publicly congratulates all the winners and extends best wishes for continued success in all their future endeavors.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to the students present, accompanied by members of their family, congratulated them on their outstanding accomplishments, and wished them continued success in future endeavors.

Ms. Joanne Stanley, teacher at Manchester Middle School, provided details of the Problem Solving Teams' efforts to prepare for the competition and expressed appreciation to the Board for the recognition.

17.A. TO CONSIDER AN ORDINANCE TO ESTABLISH THE "BECKHAM DRIVE SEWER ASSESSMENT DISTRICT" FOR FOUR LOTS IN THE ENGLEWOOD SUBDIVISION

Mr. Barber stated he intends to defer the public hearing because he has not had an opportunity to discuss the issue with the homeowners who will be impacted by the assessment district.

Mr. Barber called for public comment on the deferral.

Ms. Katherine Harwell stated she supports the deferral.

Ms. Kathy Andes expressed concerns relative to the reason for the deferral.

No one else came forward to speak to the deferral.

Mr. Barber expressed concerns that the resident who has paid to have her septic system repaired would be imposed a \$10,000 fee if the ordinance is adopted. He stated he needs additional time to determine whether there are other alternatives besides the assessment district for the other three homeowners involved.

Mr. Barber then made a motion, seconded by Mr. Miller, for the Board to defer the public hearing to consider adoption of an ordinance to establish the "Beckham Drive Sewer Assessment District" for four lots in the Englewood Subdivision until July 27, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

05SN0136

In Dale Magisterial District, PATRICK CONSTRUCTION requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for community mixed use and for residential use of 1.0 to 2.5 units per acre. This request lies on 35.3 acres lying at the western terminus of Koufax Drive. Tax ID 774-678-Part of 9980 (Sheet 17).

Mr. Turner presented a summary of Case 05SN0136 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

In response to Mr. Miller's questions, Mr. Turner stated the request conforms to the Central Area Plan; has the support of both Planning staff and the Planning Commission; and the proffered conditions are all enforceable.

On motion of Mr. Miller, seconded by Mr. King, the Board approved Case 05SN0136 and accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
5. A maximum of eighty (80) lots shall be permitted on the property. (P)
6. Manufactured homes shall not be permitted. (P)
7. The minimum lot size shall be twelve thousand (12,000) square feet. (P)
8. Any residential lots having sole access through Stonebridge Subdivision shall have an average lot area of not less than 16,000 square feet. Such lots shall not exceed density of 2.7 units per acre. (P)
9. The minimum gross floor area for one story dwelling units shall be 1600 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (P)

10. Drainage from the impervious surfaces of roofs and driveways on lots abutting Stonebridge Subdivision shall outfall into a swale provided for this purpose along the eastern property line of Tax ID 774-678-9980. (EE)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0237

In Clover Hill Magisterial District, DARCIE L. KUZIK requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-9) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 units per acre. This request lies on 0.4 acre and is known as 10802 Timberun Road. Tax ID 745-679-8507 (Sheet 16).

Mr. Turner presented a summary of Case 05SN0237 and stated the Planning Commission and staff recommend approval subject to conditions.

Ms. Darcie Kuzik stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 05SN0237, subject to the following conditions:

1. This Conditional Use shall be granted to and for Mrs. Darcie L. Kuzik, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0242

In Clover Hill Magisterial District, B. J. PATEL AND JERAM BHAS K. PATEL request amendment to zoning (Case 86S115) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a General Business (C-5) District on 0.8 acre fronting approximately 160 feet on the north line of Hull Street Road approximately 160 feet east of Courthouse Road. Tax ID 749-686-7962 (Sheet 10).

Mr. Turner presented a summary of Case 05SN0242 and stated the Planning Commission and staff recommend approval.

Ms. B. J. Patel stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 05SN0242.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0299

In Bermuda Magisterial District, PATRICIA S. WELLS requests renewal of temporary manufactured home permit 96SR0256 to park a temporary manufactured home in a Residential (R-7) District. The density of this property is approximately 6.8 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre. This property is known as 10220 Brightwood Avenue. Tax ID 794-665-1238 (Sheet 18).

Mr. Turner presented a summary of Case 05SR0299 and stated the Planning Commission and staff recommend approval for seven years, subject to conditions. He further stated the Board has been provided with an addendum, which amends Condition 1 to allow the applicant's son to reside in the manufactured home.

Ms. Patricia Wells stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Barber, the Board approved Case 05SR0299 for seven years, subject to the following conditions:

1. The temporary manufactured home shall be occupied by the applicant's son, Michael Dunaway and his immediate family only.
2. The temporary manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a temporary manufactured home site nor shall any temporary manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a temporary manufactured home. All temporary manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0313

In Bermuda Magisterial District, THE CHESTERFIELD COUNTY PLANNING COMMISSION requests amendment to Conditional Use Planned Development (Case 84SN0082) and amendment of zoning district map to allow exceptions to requirements relative to street frontage and access for townhouses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Residential (R-12) District on 12.3 acres fronting approximately 760 feet on the south line of Chesterfield Meadows Drive, also fronting approximately 600 feet on the west line of Old Wrexham Road and located in the southwest quadrant of the intersection of these roads. Tax ID 774-660-6611 (Sheet 25).

Mr. Turner presented a summary of Case 05SN0313 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. Tom Jacobson, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

In response to Mr. King's question, Mr. Jacobson stated the property was zoned in 1984 with a requirement that townhouses located on private roads could be no more than 500 feet from a public road. He further stated when the project was designed, staff determined it would be better to have the entire parcel developed on private roads with the townhouse units; therefore, the Planning Commission initiated an amendment to the Conditional Use Planned Development.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 05SN0313 subject to the following condition:

With the approval of this request, Textual Statement III. Tract C. 4.b. shall be deleted.

(Note: All other conditions of Case 84S082, as amended, shall remain in force and effect.)

(It is noted Case 84S082, referred to in the condition, and Case 84SN0082, referred to in the public notice, are the same case, but the numbering has been changed due to updated technology.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

05TW0387

In Matoaca Magisterial District, THEODORE BALSAMO requests an exception to Section 19-232 of the Chesapeake Bay Preservation Act requirements of the Zoning Ordinance to permit the encroachment of a road and several dwellings into the Resource Protection Area. As a condition of approval, the applicant is proposing to restore an existing Resource Protection Area along Otterdale Branch, protect an existing wetland area and preserve an area where the previously

cleared woodlands are beginning to grow back. Exceptions to the Resource Protection Area Regulations are permitted pursuant to Section 19-235(b)(2) of the Ordinance. This request lies on the south line of Genito Road, approximately 6,600 feet east of Moseley Road. Tax IDs 699-689-9908, 701-689-2601 and 701-689-3491 (Sheet 8).

Mr. Turner presented a summary of Case 05TW0387 and stated staff recommends approval.

Mr. Andy Scherzer, representing the applicant, stated the proposal will enhance the resource protection area opportunities on the subject property.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated this case represents an opportunity for the Board to consider an exception to the requirements of the Chesapeake Bay Preservation Ordinance to provide for better resource protection. She further stated the applicant's proposal will preserve an agricultural venue along the Genito Road Corridor.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 05TW0387.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

04SN0273

In Dale Magisterial District, KAHN PROPERTIES SOUTH LLC requests amendment to Conditional Use Planned Development (Case 97SN0165) and amendment of zoning district map relative to access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Neighborhood Business (C-2) District on 3.0 acres fronting approximately 385 feet on the east line of Iron Bridge Road, also fronting approximately 135 feet on the north line of Centralia Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-661-8240 and 773-661-0235 (Sheet 25).

Mr. Robert Clay presented a summary of Case 04SN0273 and stated access to Centralia Road was precluded when the property was originally zoned. He further stated the applicant is requesting a right-in only access from Centralia Road, on a temporary basis, for a period of no more than five years. He stated staff recommended denial because the proposal provides inadequate separation from the access proposed into the site from Centralia Road to the Route 10/Centralia Road intersection. He further stated the Planning Commission recommended approval and acceptance of the proffered condition, noting that the temporary right-in only will be eliminated with development of the adjacent property; will reduce congestion at the Route 10/Centralia Road intersection; and meets the Virginia Department of Transportation's (VDOT) standards for access separation. He noted the amended five-year time limit for the right-in

access was not considered by the Planning Commission because it had not been offered at that time.

Ms. Gloria Frye, representing the applicant, stated the proposed temporary right-in only access will be removed as soon as the adjacent property is developed or in five years, whichever comes sooner. She further stated staff's only objection is the Transportation Department's policy that accesses should be located 500 feet from an intersection. She noted that VDOT, who will actually issue the permit, has determined that the temporary access can be constructed to meet their requirements for a temporary access. She stated VDOT requires a minimum of 25 feet for an access from an intersection and notes that a 50-foot access from an intersection is desirable. She noted the proposed temporary access will be 150 feet from the intersection of Route 10/Centralia Road, which is six times greater than VDOT's required minimum and three times greater than what VDOT desires. She stated the adjacent landowner is refusing to let the applicant have access across their property to Centralia Road at this time. She further stated the applicant is fully prepared to make all improvements required by VDOT to benefit the public, indicating that customers from Centralia Road can avoid a busy intersection and the public will gain a permanent second travel lane on Centralia Road to its intersection with Route 10. She requested that the Board follow the Planning Commission's unanimous recommendation and approve the requested amendment.

Mr. Barber called for public comment.

Mr. Jim Theobald, representing CVS, the owner of the adjacent parcel to the rear, expressed concerns relative to safety issues. He stated he never recalls an applicant gaining access that is only 150 feet from an intersection. He also expressed concerns that temporary accesses have a funny way of becoming permanent. He urged the Board to support staff's recommendation for denial, indicating the Board would set a bad precedent by approving the request.

In response to Mr. Miller's question, Mr. Theobald stated CVS is not willing to provide access to the applicant through its property because it is not yet ready to develop.

In response to Mr. Miller's questions, Ms. Frye stated the county has always encouraged developers to have shared internal circulation. She further stated she thinks an error was made when the properties were originally zoned by not requiring the shared access to be made available when it was desired by the development of either parcel. She stated there have been several attempts to resolve the issue of shared access, indicating that the developer is ready to provide a shared access at no cost to the adjacent landowner, but the landowner will not agree. She requested temporary relief for the proposed development to move forward.

Mr. Miller stated he recalls during the original zoning of the property that Transportation staff was very adamant that allowing an access this close to an intersection was a safety hazard.

There being no one else to speak to the request, the public hearing was closed.

In response to Mr. Miller's question, Mr. McCracken stated he would never recommend that the county use VDOT standards for development. He further stated the only thing that has changed since the original proffer was accepted is that traffic has increased. He expressed concerns relative to allowing a temporary access, indicating that the property owner will consider closing the access a major detriment to the business if they become accustomed to using it. He stated traffic from Centralia Road can still go to Route 10 and enter the site. He further stated staff's concern is to make access to the subject property as safe as possible.

Mr. Miller stated he relies greatly on Mr. McCracken's opinion, and he has indicated that allowing the requested temporary access would create a critical safety issue for the public.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to deny Case 04SN0273.

Mr. King expressed concerns that the temporary access would never close if it were permitted.

Mrs. Humphrey stated she is very disappointed that CVS has chosen not to work with Kahn Properties to gain a shared access.

Mr. Barber called for a vote on the motion of Mr. Miller, seconded by Mr. King, for the Board to deny Case 04SN0273.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0192

In Clover Hill Magisterial District, SBF LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.51 to 4.0 units per acre. This request lies on 10.0 acres fronting approximately 400 feet on the northeast line of Reams Road, also fronting approximately 600 feet on the southeast line of Arch Hill Drive and located in the southeast quadrant of the intersection of these roads. Tax IDs 752-700-2512 and 6421 (Sheet 6).

Ms. Darla Orr presented a summary of Case 05SN0192 and stated staff recommended approval subject to the applicant fully addressing the impact of the proposed development on all capital facilities. She further stated the cash contribution offered is earmarked for area road improvements and fails to address impacts on schools, libraries, parks and fire service. She stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the cash contribution addresses much needed area road improvements. She noted the request conforms to the Northern Area Plan.

In response to Mr. Warren's question, Ms. Orr stated the amount of the cash contribution for the road improvements

actually exceeds the dollar amount that would be accepted if it were a straight cash proffer.

Mr. Andy Scherzer, representing the applicant, expressed concerns relative to the accident rate per driver trip on Reams Road. He stated the applicant has proffered money up front for badly needed road improvements in this corridor and requested the Board's support of the Planning Commission's recommendation.

Mr. Barber called for public comment.

No one came forward to speak to the request.

In response to Mr. Warren's question, Mr. McCracken stated staff is already proceeding with a project to address issues at the intersection of Reams and Adkins Roads, and any additional funding will help staff to move forward to address other transportation issues east of the intersection.

Mr. Warren made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0192 and accept the proffered conditions.

Mrs. Humphrey stated this is an example of the county working with the development community to address needed road improvements.

Mr. Barber expressed concerns relative to accepting cash contributions for one type of capital improvement over another, but indicated that he will support the motion because the project will result in a small number of units.

Mr. Barber then called for a vote on the motion of Mr. Warren, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0192 and accept the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
5. A maximum of twenty (20) additional dwelling units for a cumulative total of twenty-two (22) dwelling units shall be permitted on the property. (P)
6. No direct access, other than the two (2) existing driveways, shall be provided from the property to Reams Road. (T)
7. In conjunction with the recordation of the initial

subdivision plat, or within thirty (30) days from a written request by the Transportation Department, whichever occurs first, forty five (45) feet of right-of-way on the north side of Reams Road, measured from the centerline of that part of Reams Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

8. At time of recordation of the initial subdivision section, the applicant, his successor, or his assigns shall either: (i) pay to Chesterfield County the sum of \$260,000.00; or (ii) provide Chesterfield County with a bond or surety, in a form acceptable to the County Attorney, in the amount of \$260,000.00 that shall provide for payment of the \$260,000.00 to Chesterfield County within thirty (30) days of a written request by the Transportation Department. The payment shall be used for road improvements within Traffic Shed 4 or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department. The payment could be used towards road improvements to Reams Road. (T)
9. Drainage from the impervious surfaces of roofs and driveways on lots abutting Tax ID 752-699-8989 shall outfall into a swale provided for this purpose along the northern property line of Tax ID 752-699-8989. (EE)
10. The developer shall be responsible for notifying by registered, certified or first class mail the adjacent owners of the submission of any tentative subdivision plans for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0115

In Matoaca Magisterial District, FREDERICK YAKELEWICZ AND MARIANNE YAKELEWICZ request renewal of Conditional Use (Case 02SN0246) and amendment of zoning district map to permit a mobile auto repair and service business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1-5 acre lots suited to R-88 zoning use. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 495 feet on the north line of Lakeview Avenue, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

Ms. Orr presented a summary of Case 05SR0115 and stated staff recommended denial because the request fails to comply with the Southern and Western Area Plan, and the business is being operated on-site in violation of the approved conditions and ordinance requirements. She further stated the Planning Commission recommended approval subject to conditions that

are intended to address the impact of the request on the surrounding area. She noted the Planning Commission did advise staff that, if the Board approves the request and the applicants continue to operate the business in violation of their conditions and the county ordinances, that staff should take enforcement actions as necessary.

In response to Mr. Miller's question, Ms. Orr stated the applicant has been operating the business in violation of ordinance requirements for approximately two years. She further stated staff met with the applicants in June 2004 and informed them that they needed to complete their site plan process and acquire permits. She stated, since that time, there have been site visits by staff members from the Code Compliance Office, as well as meetings with site plan review staff. She further stated the conditions imposed by the Planning Commission with their recommendation for approval are the same as those proffered by the applicant in the 2002 case, except that Condition 1 would allow family members to operate the business on the property and Condition 13 would allow a permanent structure.

Mr. Frederick Yakelewicz expressed concerns relative to differing interpretations of his zoning conditions by Planning staff members, indicating that his site plan has been changed six times in the past three weeks. He stated he operated his business for 13 years in a modular building located on Graves Road. He further stated, after he moved the modular building to the subject property, a hurricane came through and trees crushed his building. He expressed concerns relative to the inability to get a certificate of occupancy because of conflicting information received from Building Inspection.

In response to Mr. Miller's question, Mr. Yakelewicz stated that, other than the Virginia Department of Transportation's requirements for his driveway, he believes he is really close to receiving all necessary approvals. He further stated he has been working diligently with Mr. Wayne Bass, Matoaca District Planning Commissioner and Mr. Greg Allen in the Planning Department, and he feels he has been making great headway. He stated, in addition to the two changes recommended by the Planning Commission, he is requesting that the conditional use permit be permanent once he becomes compliant with all conditions and county ordinances, and that buffers be decreased to accommodate a handicapped ramp and pasture land for his wife's Arabian horse. He requested that the Board either approve the conditions he has provided to them by fax or remand the request to the Planning Commission.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated she believes Mr. Yakelewicz's request is workable. She further stated the issue has nothing to do with the miniature horses, but with the mobile auto repair and service business. She stated it is necessary that the site plan be completed for the business. She requested that Mr. Greg Allen continue to work with Mr. Yakelewicz and help him get through the permitting process.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to defer Case 05SR0115 until August 24, 2005.

In response to Mr. Barber's questions, Mr. Turner stated, as long as the case is pending, no zoning enforcement action will be taken. He further stated, as long as Mr. Yakelewicz is working in good faith to meet the conditions, staff will work with him, but once he demonstrates unwillingness to comply with the conditions or does not meet a schedule that staff feels is appropriate, then staff would have the ability to seek legal remedies.

Mr. Barber stated it is important for the applicant to understand that he is required to meet the tenets of the zoning conditions and county ordinances.

Mr. Miller stated he will support the motion. He requested that the applicant make every effort in good faith to work towards a resolution and become compliant.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to defer Case 05SR0115 until August 24, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0219

In Dale Magisterial District, OTTERDALE PARTNERS LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 190.7 acres fronting approximately 600 feet on the east line of Old Hopkins Road, also fronting approximately 1,800 feet on the southeast line of Conifer Road and located in the southeast quadrant of the intersection of these roads. Tax IDs 784-675-1052 and 785-676-4312 (Sheet 18).

Mr. Robert Clay presented a summary of Case 05SN0219 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions and noted the request conforms to the Central Area Plan and addresses the impact of the proposed development on capital facilities. He stated staff noted that the request fails to fully minimize the visual impact of garage doors facing the street. He stated a revised proffered condition submitted in accordance with the Board's policy provides for additional road improvements to Old Hopkins Road between Hopkins Road and its intersection with Conifer Road.

Mr. John Cogbill, representing the applicant, stated the proposed infill development will use existing infrastructure; eliminate a community trouble spot, which is an old borrow pit; and create a new and vibrant community. He further stated the development will include a variety of housing types and neo-traditional design standards. He stated he believes the applicant has addressed staff's concerns about

garages by proffering that cluster lots would have a minimum of 50 percent of the garages having a specific setback or be side or rear loaded, and that a minimum of 70 percent of the townhouses would have rear loaded garages served from alleyways. He further stated the applicant has tried to address neighborhood concerns by amending its proffered conditions since the Planning Commission meeting to provide \$30,000 for shoulder and ditch improvements on Old Hopkins Road. He stated the proposed development will enhance and contribute positively to the Dale District and area communities. He further stated the proffered conditions mitigate the impact of the proposed facilities on capital facilities, thereby ensuring that adequate levels of service are maintained and protecting the health, safety and welfare of the county's citizens. He stated the project has the support of a local civic association in the area and requested that the Board approve this new in-fill development.

Mr. Barber called for public comment.

Ms. Maureen Crowson requested that the Board deny the proposed development. She expressed concerns relative to the long-term effects of the development on the county's weak infrastructure and wildlife that now occupies the subject property. She stated the proposed development will result in an additional 5,180 daily trips on Conifer, Beulah and Hopkins Roads, and there is no guarantee that the traffic will be equally distributed among these roadways.

Mr. Steve Smith, President of the Fuqua Farms Civic Association, expressed concerns that the area has become stagnant with little or new development. He stated the proposed development might stimulate more businesses in the area. He further stated he believes the new community represents positive development and requested the Board's approval.

Mr. Eddie Parker provided the Board with a petition signed by 450 residents who oppose the proposed development, indicating that at least 70 of the signatures are from the Fuqua Farms area. He noted there are only 56 members of the Fuqua Farms Homeowners Association. He expressed concerns that area roadways and schools cannot handle the traffic that will be generated by 440 new homes. He stated Falling Creek Middle School is far above the maximum size of what the county has recommended for a middle school. He expressed concerns that the proffered conditions are not sufficient to address the necessary road improvements. He stated the formula for determining the number of school children is incorrect, indicating that 440 homes will produce a lot more than 80 children.

Ms. Gilly Bland, who resides at the corner of Hopkins and Old Hopkins Roads, expressed concerns relative to the necessity to widen Hopkins Road and requested that it be widened on the side of undeveloped property. She stated she believes the development could work with additional concessions, but does not think it is feasible as currently presented.

There being no one else to speak to the request, the public hearing was closed.

Mr. Cogbill stated he believes the \$5 million contribution to the infrastructure in this area is significant, and noted the additional improvements to Old Hopkins Road were proposed after the Planning Commission's hearing of the case based upon citizens' concerns. He further stated the development will improve the drainage situation in the area by piping the water that currently backs up on Dalebrook Drive and other areas down into Kingsland Creek. He stated the county is addressing school capacity issues through boundary shifting. He further stated this is a good infill project and requested the Board's approval.

In response to Mr. Miller's questions, Mr. McCracken stated the developer's transportation commitments address, and in some cases, surpass the impact of the proposed development. He further stated the developer has agreed to provide \$30,000, in addition to the maximum cash proffer, for improvements on this section of Old Hopkins Road. He stated no land will be taken from the property owners for the improvements to Old Hopkins Road. He further stated, without the proposed development, the county would not be recommending any improvements to Old Hopkins Road because of the number of other priorities with a greater need.

In response to Mr. Miller's questions, Mr. McElfish stated staff is satisfied that the developer's proffered condition to pipe drainage into Kingsland Creek will not negatively impact area residents.

Mr. Miller stated the developer is offering a density of 2.3 dwelling units per acre, when maximum density is 2.5. He further stated the request is in conformance with The Central Area Plan; the developer has offered more than the full cash proffer; and the development will address complaints from neighbors regarding the noise of all-terrain vehicles running through the borrow pit on the subject property. He expressed concerns relative to assessments in this area flattening out in the past and to vacant businesses which are impacting this residential area. He stated the proposal represents classic infill development, which the Board has encouraged, and will help address long-term stagnation in this area of the county. He further stated the development has the support of both Planning staff and the Planning Commission, and he views it as an opportunity rather than a negative challenge.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to approve Case 05SN0219 and accept the following proffered conditions:

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 784-675-1052 and 785-676-4312 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and

conditions now existing on the Property.

1. Master Plan. The textual statement dated December 28, 2004, and last revised April 20, 2005, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for modular office units used as sales facilities and/or construction offices. (U)
3. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Buffers. The twenty (20) foot buffer along Conifer Road, required in accordance with the Subdivision Ordinance, shall be located within recorded open space. (P)
5. Cash Proffers. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$11,500.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2005. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. (B&M)
6. Recreational Facilities. Any active recreational facilities shall be subject to the following restrictions.
 - A. There shall be no outside public address systems or speakers.
 - B. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
 - C. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance

for fifty (50) foot buffers.

- D. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - E. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
 - F. The maximum height for light posts in recreational uses shall not exceed twenty (20) feet.
 - G. The location of all active recreational uses shall be identified in conjunction with the submittal of the first tentative subdivision plan.
 - H. In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)
- 7. Curb and Gutter. All streets, exclusive of alleys, shall be constructed with concrete curb and gutter. (EE)
 - 8. Access. Direct access from the property to Conifer Road shall be limited to two (2) public roads. At the time of subdivision approval, the exact location of these accesses shall be approved by the Transportation Department. (T)
 - 9. Dedication. Twenty-five (25) feet of right-of-way on the east side of Conifer Road, measured from the centerline of that part of Conifer Road immediately adjacent to the Property shall be dedicated, free and unrestricted, to Chesterfield County in conjunction with recordation of the initial subdivision plat. (T)
 - 10. Drainage. Subject to the Army Corps of Engineers and the Department of Environmental Quality or any other local, state, or federal regulatory agency, no drainage from impervious areas of the Property shall be conveyed east under the railroad tracks but will be conveyed south to Kingsland Creek prior to passing under the railroad tracks. (EE)
 - 11. Open Space. At a minimum, the following Open Space areas shall be provided:
 - A. A multipurpose field a minimum of half (0.5) acre in size.
 - B. A minimum of two (2) acres shall be centrally located in the development ("Village Green"). If townhouse units are built, the Village Green shall

be located between the detached dwelling units and the townhouse units. The Village Green shall provide benches and other amenities that accommodate and facilitate gatherings. The exact location and design of the Village Green shall be approved by the Planning Department at the time of subdivision review.

- C. A minimum of seventy (70) acres of open space ("Nature Park") with trails shall be located along Kingsland Creek. The exact design and location of the trails shall be approved at the time of subdivision review. Additional features such as picnic tables, grills, shelters, and/or gazebos shall be permitted in the Nature Park.
 - D. Sidewalks shall be provided on both sides of all rights-of-way along which dwellings front. The exact treatment and location of the sidewalks shall be approved at the time of subdivision review.
 - E. Street trees shall be planted or retained along each side of all rights-of-way along which dwellings front. The exact location, spacing, species, and size of the trees shall be approved by the Planning Department at the time of subdivision review. (P)
12. Recreation Areas and Focal Point. A minimum of four (4) acres (exclusive of the Village Green but inclusive of the multipurpose field) shall be developed with a clubhouse, multipurpose field, and trails for use by the residents. The clubhouse shall be a minimum of 2,500 square feet in area and shall serve as a focal point and gathering place for the residents. Prior to issuance of more than 300 certificates of occupancy, the clubhouse, pool, multipurpose field, and Village Green shall be completed. (P)
13. Alleys. When provided, alleys shall have a minimum of twelve (12) feet of pavement width. (T)
14. Driveways. Where provided, private driveways serving the residential units shall be "hardscaped." The exact design and treatment of driveways shall be approved by the Planning Department at the time of subdivision review. (P)
15. Density. There shall be no more than 440 dwelling units developed on the Property. (P)
16. Building Materials. The facades of detached dwellings units and the townhouses shall be constructed of brick, brick veneer, wood, vinyl siding, cementitious-type siding, composite siding, glass, stone, or EIFS. (P)
17. Garages. The location of the Cluster Lots and Townhouse Lots having front loaded garages shall be identified on the conceptual subdivision plan and the record plat.
- A. On Cluster Lots, a minimum of fifty percent (50%) of the garages shall have a setback of at least

five (5) feet from the front face of the building, or shall be rear-loaded or side-loaded.

- B. A minimum of seventy percent (70%) of the Townhouse Lots shall have rear-loading garages. (P)

18. Minimum Square Footage.

- A. The minimum gross floor area for detached dwelling units shall be 2,000 square feet, except that detached one-story dwelling units on lots smaller than 12,000 square feet shall have a minimum gross floor area of 1,700 square feet.
- B. The minimum gross floor area for townhouses shall be 1,300 square feet. (P)

19. Covenants. At a minimum, the following restrictive covenants shall be recorded for the development. The covenants provided herein shall not be changed for a period of ten (10) years from the date of recordation of the first subdivision plat. After that time period, the Developer or his successor may modify these covenants without exception. Specific terms and definitions shall be set forth in the Covenants and may not be the same as definitions set forth in the Chesterfield County Zoning Ordinance. All terms and definitions set forth in the Covenants shall control this Proffered Condition.

- A. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
- B. Manufactured homes shall not be permitted for use as a residence.
- C. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises unless approved by the Declarant or the Association.
- D. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by the Declarant or the Association in writing.
- E. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.

- F. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- G. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by the Declarant or the Association except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- H. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots. No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- I. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
- J. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- K. No portable air condition units will be place in any window of a dwelling or other building if visible from a public street.
- L. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
- M. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

20. Transportation Improvements.

- A. In conjunction with development of the initial section, the developer shall be responsible for relocation of the ditch along the east side of Conifer Road for the entire Property frontage to provide an adequate shoulder, as determined by the Transportation Department. The developer shall

dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for this improvement.

- B. In conjunction with the recordation of the initial subdivision plat for the Property, the Developer shall either: 1) pay the County of Chesterfield the sum of \$30,000 for the transportation improvements described below, or 2) provide the County with a surety, in a form acceptable to the County Attorney, in the amount of \$30,000 that shall provide for the payment of the \$30,000 to the County within thirty (30) days of a written request by the Transportation Department. In either event, the \$30,000 payment shall be for the sole purpose of improving Old Hopkins Road from its intersection with Hopkins Road to its intersection with Conifer Road (the "Old Hopkins Road Improvements"). In the event the \$30,000 has not been used for the Old Hopkins Road Improvements within five (5) years from the date the payment was received, the payment shall be returned, in full, to the Developer. If the Developer provides the Old Hopkins Road Improvements as approved by the Chesterfield County Transportation Department, at any time prior to the five years, the funds shall be returned to the Developer. (T)

21. Location of Lots. Regular Lots, Cluster Lots, or Townhouse Lots (the "Lots") shall be grouped together on a particular portion of the Property such as a block. If there is a desire to mix the Lots within a particular portion of the Property, the mixing of the Lots may be permitted if a sketch plan is submitted to the Planning Department for review and approval. The sketch plan shall address the land use transitions and compatibility between the different Lots within that portion of the Property. Land use compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers, and site design. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mr. Barber requested a five-minute recess.

Reconvening:

05SN0230

In Matoaca Magisterial District, DOUGLAS R. SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 20.5 acres fronting approximately 1,550 feet on the east line of North Spring Run Road approximately fifty (50) feet south of Buck Rub Drive. Tax IDs 726-667-8796 and 9968; and 727-667-2663, 4736 and 5892 (Sheet 15).

Ms. Jane Peterson presented a summary of Case 05SN0230 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. She noted the request conforms to the Upper Swift Creek Plan and addresses the impacts of the development on capital facilities.

Mr. Jim Theobald, representing the applicant, stated the case is well proffered, offers the transportation cash proffer up front, and provides for phasing of lots, with no lots recorded prior to January 2007.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated she is pleased that the developer has provided the option for a lump sum transportation cash proffer prior to recordation of lots, in addition to providing much needed improvements along Spring Run Road and phasing of the development.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to approve Case 05SN0230 and accept the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 726-667-8796, 727-667-4736, 727-667-5892 and 727-667-2663 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - a. Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$11,500.00 per dwelling unit;
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the

Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.

- b. At the option of the Transportation Department exercised pursuant to Proffered Condition 3 below, and in lieu of the amounts set forth in Proffered Condition 2a above, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements (excluding the road component) within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$7,120.00 per dwelling unit. At time of payment \$7,120.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$5,509.00 for schools, and \$423.00 for fire stations; or
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$7,120.00 per dwelling unit pro-rated as set forth in Proffered Condition 2bi above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. (T)
 - c. At the option of the Transportation Department the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Condition 3 below, exclusive of those road improvements identified in Proffered Condition 4 performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
 - d. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
 - e. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
3. Transportation Contribution. At the option of the Transportation Department, the applicant, his successor(s), or assignee(s) (the "Applicant") shall comply with the obligations of Proffered Condition 2b and, also shall pay to the County of Chesterfield, prior to recordation of each subdivision section the amount of the number of lots to be recorded for such section

multiplied by \$4,380. The payment shall be used for road improvements within Traffic Shed of which the Property is a part or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department.

If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 4 to Spring Run Road, then the cash proffer payment(s) for the road component as set forth in Proffered Condition 3 shall be reduced so long as the cost to construct the Improvements is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as determined by Chesterfield County's Budget and Management Department. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit amount. (T)

4. Transportation.

- a. In conjunction with the recordation of the initial subdivision plat or within sixty (60) days of a written request by the County, whichever occurs first, forty-five (45) feet of right-of-way on the east side of Spring Run Road, measured from the centerline of that part of Spring Run Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. Direct access from the Property to Spring Run Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department.
- c. In conjunction with development of the initial section, the developer shall be responsible for the following improvements:
 - i. Construction of additional pavement along Spring Run Road at the public road intersection to provide left and right turn lanes;
 - ii. Widening/improving the east side of Spring Run Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with

one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage; and,

iii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)

5. Home Size. All dwelling units shall have a minimum gross floor area of 2,300 square feet. (P)
6. Density. There shall be no more than two and two-tenths (2.2) units per acre developed on the Property. (P)
7. Phasing. No lots shall be recorded prior to January 1, 2007. (P)
8. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
9. Access. No lots shall have Ratling Drive as their sole access. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0241

In Bermuda Magisterial District, CHRISTOPHER D. WARD requests Conditional Use and amendment of zoning district map to permit motor vehicle repair and storage/towing lot in a General Industrial (I-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 2.0 acres fronting approximately 150 feet on the south line of Old Bermuda Hundred Road approximately 1,550 feet east of Old Stage Road. Tax ID 804-649-2067 (Sheet 35).

Ms. Jane Peterson presented a summary of Case 05SN0241 and stated staff recommended denial because the proposed zoning and land uses do not comply with the Consolidated Eastern Area Plan. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, noting that the proffered conditions minimize the impact of the use upon area development.

Ms. Carrie Coyner, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. King stated he is delighted that another business will be locating in the Bermuda District.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 05SN0241 and accepted the following proffered conditions:

The Contract Purchaser-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax ID 804-649-2067-00000, (the "Property") under consideration will be developed according to the following conditions. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

In conjunction with this Conditional Use application, the Applicant hereby makes the following proffers:

1. Direct access to Old Bermuda Hundred Road shall be limited to the one existing entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
2. Prior to any site plan approval, or within ninety (90) days of the approval of the conditional use permit, whichever occurs first, forty-five (45) feet of right of way on the south side of Old Bermuda Hundred Road, measured from the centerline of that part of Old Bermuda Hundred Road immediately adjacent to the property, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Vehicle storage areas shall be screened from view of adjacent properties on which such uses are not permitted or do not exist, from external public roads and from A Districts that are shown on the comprehensive plan as R, R-TH, R-MF, or O districts. (P)
4. Vehicle storage areas shall be set back a minimum of seventy-five (75) feet from the ultimate right of way of Old Bermuda Hundred Road. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

17. PUBLIC HEARINGS

17.B. TO CONSIDER THE FY2006 SECONDARY ROAD IMPROVEMENT BUDGET

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the FY2006 Secondary Road Improvement Budget.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution approving the Virginia Department of Transportation's proposed FY2006 Secondary Road Improvement Budget:

WHEREAS, the Virginia Department of Transportation (VDOT) has submitted its proposed FY2005-2006 Secondary Road Improvement Budget to the county; and

WHEREAS, the FY2005-2006 budget represents the implementation of the second year of VDOT's Six-Year Improvement Plan adopted by the Board in 2004.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors approves the FY2005-2006 Secondary Road Improvement Budget as presented by VDOT.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.C. TO CONSIDER REVISIONS TO THE FY2005 SCHOOL BOARD CAPITAL IMPROVEMENT PLAN APPROPRIATIONS

Ms. Dickson stated this date and time has been advertised for the Board to consider revisions to the FY2005 School Board Capital Improvement Plan appropriations.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Miller, seconded by Mr. King, the Board increased the appropriations in the School Capital Improvements fund by \$1,421,500, which will address needs in various school projects.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.D. TO CONSIDER AMENDING SECTIONS 19-635, 19-636, AND 19-637 OF THE ZONING ORDINANCE RELATING TO OFFSITE DIRECTIONAL SIGNS AND SIGNS WITHIN PUBLIC RIGHTS OF WAY

Mr. Greg Allen, Planning Administrator, stated this date and time has been advertised for a public hearing for the Board to consider amendments to the zoning ordinance relating to offsite directional signs and signs within public rights of way. He further stated the amendments will provide for off-site directional signs for nursing homes, assisted living facilities and large meeting facilities that are not located on a major thoroughfare road; ensure that all off-site directional signs are located out of the public right of ways; and ensure that residential and business community identification signs be required to obtain a sign permit.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance amendments.

On motion of Mr. King, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-635, 19-636 AND 19-637
RELATING TO OFFSITE DIRECTIONAL SIGNS AND COMMUNITY
IDENTIFICATION SIGNS LOCATED IN PUBLIC RIGHT OF WAY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-635, 19-636 and 19-637 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 19-635. Signs not requiring permits.

The following signs may be erected without a sign permit, so long as they comply with the regulations in this chapter:

o o o

(f) Signs in public rights-of-way if approved by the Virginia Department of Transportation and limited to:

- (1) Signs posted by or on behalf of a government body.
- (2) Signs which direct or regulate pedestrian or vehicular traffic.
- (3) Bus stop signs posted by a public company or a government.
- (4) Information signs of a public utility regarding its poles, lines, pipes or facilities.

Sec. 19-636. Sign design and setback requirements.

(a) With the exception of signs permitted to be placed in the right-of-way pursuant to sections 19-635(f), 19-636(e), and 19-637(h), all signs, including directional signs, shall be set back a minimum of 15 feet from all property lines, unless a greater setback is specified by conditions of zoning, approved site or subdivision plans, or by this chapter.

o o o

Sec. 19-637. Limitation on specific signs.

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(d) Offsite directional signs are limited to seven square feet in area and seven feet in total height, and are limited to the following uses: churches, schools, hospitals, parks, libraries, scenic areas, historic areas, train stations, airports, group care facilities, and meeting or convention halls which exceed 10,000 square feet. Offsite directional signs are not permitted for facilities with

entrances on an arterial that is constructed with four or more lanes. No more than one sign identifying a single place is allowed along any one street. However, on arterials constructed with four or more lanes, two directional signs may be erected provided there is not more than one on each side of the road.

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(h) Residential community identification signs. One such sign shall be permitted for each separate street entrance to the community. One such sign shall be permitted on each side of an entrance if both signs are attached to a decorative fence/wall. The sign area allowed is 20 square feet for each 200 dwelling units in subdivisions or residential communities with a guaranteed minimum of 32 square feet and a maximum of 100 square feet. Such signs must be no more than 15 feet in height unless located in a village district, in which case height is limited to seven feet. These signs may be located within the public right of way, if approved by the Virginia Department of Transportation, and located within the median strip of the entrance.

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(v) Non residential or mixed use community identification signs may be located within the public right of way, if approved by the Virginia Department of Transportation, and located within the median strip of the entrance.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

17.E. TO CONSIDER THE RECEIPT AND APPROPRIATION OF FUNDS IN DISASTER RECOVERY FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the receipt and appropriation of disaster recovery funding from the Federal Emergency Management Agency (FEMA) for expenses incurred during Tropical Depression Gaston.

Mr. Barber called for public comment.

Mr. Paul Sherman, President of the Falling Creek Reservoir Preservation Society, expressed appreciation that repairs are on the way, although he is a little disappointed with the speed at which the repairs are taking place.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved the receipt and appropriation of \$1,883,843.29 in disaster recovery funding from the Federal Emergency Management Agency (FEMA) for expenses incurred during Tropical Depression Gaston.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

17.F. TO CONSIDER FY2005 YEAR-END ADJUSTMENTS

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider FY2005 year-end revenue and expenditure adjustments.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Warren, the Board approved FY2004 year-end revenue and expenditure adjustments as follows: 1) appropriated revenues and expenditures for specific programs as well as authorized reallocations among general fund departments and related funds as outlined in the papers of this Board on Schedule A; 2) appropriated revenues and expenditures and authorized other adjustments for specific programs and non-general fund departments as outlined in the papers of this Board on Schedule B; authorized the County Administrator to reserve and appropriate into FY2006 unspent FY2005 appropriations, contingent upon positive results of operations within individual departments and countywide, as determined by the county's financial audit as outlined in the papers of this Board on Schedule C; and created two new positions in the Social Services Department in connection with the carryover of funds for the county's child welfare programs.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.G. TO CONSIDER PROPOSED ORDINANCE AMENDMENTS RELATING TO REAL ESTATE TAX RELIEF FOR THE ELDERLY OR DISABLED

Ms. Dickson stated this date and time has been advertised for the Board to consider proposed ordinance amendments relating to real estate tax relief for the elderly or disabled. She noted the proposed additional relief is part of a three-year plan that the Board has conceptually agreed to put into place.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance amendments.

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND
RE-ENACTING SECTIONS 9-24 AND 9-25 TO INCREASE THE AMOUNT
OF REAL ESTATE THAT CAN BE EXEMPTED, THE AMOUNT OF
TAX RELIEF PROVIDED, AND THE MINIMUM NET WORTH FOR
RELIEF ELIGIBILITY AND BY REPEALING SECTION 9-26
WHICH PROVIDES FOR ANNUAL INCOME AND VALUE
ADJUSTMENTS FOR ELIGIBILITY FOR REAL ESTATE
TAX RELIEF FOR THE ELDERLY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 9-24 and 9-25 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted, and Section 9-26 of the Code of the County of Chesterfield, 1997, as amended, is repealed, all to read as follows:

Sec. 9-24. Restrictions and conditions.

Notwithstanding any other provision of this chapter, a dwelling or manufactured home, and up to one acre of land upon which either is situated may be temporarily exempted from taxation when any such property is owned by and occupied as the sole residence of a person at least 65 years old or a person who is determined to be permanently and totally disabled as defined by Code of Virginia, § 58.1-3217. The exemption shall be subject to the following restrictions and conditions:

- (a) During the preceding calendar year, the total combined income from all sources of the owners and owners' relatives living in the dwelling or manufactured home must not exceed \$49,600.00; without including in the total the first \$6,500.00 of each relative's income, other than the owner's spouse who is living in the dwelling or manufactured home.
- (b) Notwithstanding subsection (a), if a person qualifies for an exemption under this section, and can prove by clear and convincing evidence that the person's physical or mental health has deteriorated such that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does move in for that purpose, then none of the income of that relative or that relative's spouse shall be included in calculating the income limit; however, if the residence's owner has, within a three-year period prior to or after the relative moves into the residence, transferred to the caregiving relative assets in excess of \$5,000.00 without adequate consideration then the income of the caregiver relative or that relative's spouse shall be included in calculating the income limit.
- (c) As of December 31 of the immediately preceding calendar year, the net combined financial worth, including interest of the owners and of the spouse of any owner, excluding the value of the property for which the exemption is sought, and the value of up to an additional nine acres of real estate if such additional nine acres of real estate are contiguous to and a part of the parcel for which the exemption is sought, must not exceed \$139,100.00.

Sec. 9-25. Schedule of exemptions permitted.

(a) The amount of exemption from real estate taxation under this section shall be determined in accordance with the following schedule:

Income	Percentage of Exemption
\$0.00 through \$34,600.00	100
\$34,601.00 through \$46,100.00	50
\$46,101.00 through \$49,600.00	25

(b) The tax exemption provided by section 9-24 shall not exceed \$2,000.00.

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(2) That this ordinance shall become effective on January 1, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller excused himself from the meeting.

17.H. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT WITHIN BAILEY RIDGE ESTATES, SECTION C

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 16-foot drainage easement within Bailey Ridge Estates, Section C.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to DAWN F. BRUDIE, ("GRANTEE"), a portion of a 16' drainage easement across Lot 4, Block H, Bailey Ridge Estates, Section C, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 62, at Page 36.

WHEREAS, DAWN F. BRUDIE, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 16' drainage easement across Lot 4, Block H, Bailey Ridge Estates, Section C, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 62, Page 36, by FOSTER & MILLER, P.C., dated MARCH 22, 1988, and recorded JULY 29, 1988. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 16' drainage easement, across Lot 4, Block H, Bailey Ridge Estates, Section C, the location of which is more fully shown on a plat

made by FREDERICK A. GIBSON & ASSOCIATES, P.C., dated MAY 18, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the property owner of Lot 4, Block H, within Bailey Ridge Estates, Section C free and clear of any rights of public use.

By execution of this ordinance, GRANTEE does hereby release and hold GRANTOR harmless from any claims for injury or damage to that portion of the improvement located on the vacated portion of the easement resulting from the initial construction of drainage improvements or any maintenance, repair or replacement of the drainage improvements within the easement.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and DAWN F. BRUDIE, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

17.I. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS MANATEE ROAD WITHIN LAND-O-PINES, SECTION A

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 50-foot unimproved right of way known as Manatee Road within Land-O-Pines, Section A.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to WILLIAM E. KENNEDY, SR. and JOYCE W. KENNEDY, (husband and wife), and BOBBY NEAL POWELL, ("GRANTEE"), a portion of a 50' unimproved right of way known as Manatee Road within Land-O-Pines, Section A, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 10, at Pages 26 and 27.

WHEREAS, WILLIAM E. KENNEDY, SR. and JOYCE W. KENNEDY, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 50' unimproved right of way known as Manatee Road within Land-O-Pines, Section A, DALE Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 10, Pages 26 and 27, by PHILLIP H. BROOKS & KENNETH L. BARTON, dated FEBRUARY 6, 1957, and recorded APRIL 1, 1957. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of a 50' unimproved right of way known as Manatee Road within Land-O-Pines, Section A, the location of which is more fully shown on a sketch attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of right of way sought to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a water, sewer and drainage easement over the entire portion of right of way hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the portion of right of way hereby vacated in the abutting property owners free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and WILLIAM E. KENNEDY, SR. and JOYCE W. KENNEDY, (husband and wife), and BOBBY NEAL POWELL, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

Mr. Miller returned to the meeting.

17.J. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF THE PLAN OF SUBDIVISION KNOWN AS ROOSEVELT PARK

Mr. Stith stated this date and time has been advertised for the Board to consider an ordinance to vacate a portion of the Plan of Subdivision known as Roosevelt Park.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to RP1, LLC, a Virginia limited liability company, and JOHN H. SPIERS and CLARITA S. SPIERS, his wife, and SAMUEL D. BAUGHMAN and ALICE C. BAUGHMAN, (husband and wife), ("GRANTEE"), a portion of the Plan of Subdivision known as Roosevelt Park, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 8, at Page 53.

WHEREAS, RP1, LLC, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of the Plan of Subdivision known as Roosevelt Park, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 8, Page 53, by W. S. HINTON, C.C.E., dated OCTOBER 8, 1945. The portion of subdivision petitioned to be vacated is more fully described as follows:

A portion of the Plan of Subdivision known as Roosevelt Park, the location of which is more fully shown on a plat made by BARTHOL DESIGN ASSOCIATES, P.C., dated MAY 23, 2005, revised JUNE 9, 2005 and JUNE 21, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of subdivision sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of subdivision be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of subdivision hereby vacated in the property owners free and clear of any rights of public use subject to providing public right of way for access to all parcels created by this vacation.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and RP1, LLC, a Virginia limited liability company, and JOHN H. SPIERS and CLARITA S. SPIERS, his wife, and SAMUEL D. BAUGHMAN and ALICE C. BAUGHMAN, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.K. TO CONSIDER AN ORDINANCE TO VACATE A FIFTY-FOOT UNIMPROVED COUNTY RIGHT OF WAY AND TWO FIVE-FOOT VIRGINIA DEPARTMENT OF TRANSPORTATION SLOPE EASEMENTS WITHIN CEDAR CLIFF, SECTION 2

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a 50-foot unimproved county right of way and two five-foot Virginia Department of Transportation (VDOT) slope easements, within Cedar Creek, Section 2.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to CHARLES W. THORNTON and MONICA W. THORNTON, (husband and

wife), and STEPHEN E. JESSUP and LAURA C. JESSUP, (husband and wife), ("GRANTEE"), a 50' unimproved county right of way within Cedar Cliff, Section 2, and two 5' Virginia Department of Transportation slope easements, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 63, at Page 38.

WHEREAS, CHARLES W. THORNTON and MONICA W. THORNTON, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a 50' unimproved county right of way within Cedar Cliff, Section 2, and two 5' Virginia Department of Transportation slope easements, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 63, Pages 37 and 38, by CHARLES C. TOWNES & ASSOCIATES, P.C., dated FEBRUARY 26, 1988, and recorded OCTOBER 6, 1988. The right of way and easements petitioned to be vacated is more fully described as follows:

A 50' unimproved county right of way within Cedar Cliff, Section 2, and two 5' Virginia Department of Transportation slope easements, the location of which is more fully shown on a map attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the right of way and easements sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid right of way and easements be and are hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the right of way hereby vacated in the abutting property owners free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and CHARLES W. THORNTON and MONICA W. THORNTON, (husband and wife); and

STEPHEN E. JESSUP and LAURA C. JESSUP, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.L. TO CONSIDER THE VACATION OF A PORTION OF AN UNIMPROVED COUNTY RIGHT OF WAY EAST OF SPRINGFORD PARKWAY ADJACENT TO PROPERTIES OF WESTBRIDGE DEVELOPMENT, INCORPORATED

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider vacating a portion of an unimproved county right of way east of Springford Parkway adjacent to properties of Westbridge Development, Incorporated.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of an unimproved county right of way east of Springford Parkway adjacent to properties of Westbridge Development, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.M. TO CONSIDER THE VACATION OF A SEVENTY-FOOT RIGHT OF WAY KNOWN AS FUTURE HOPKINS ROAD EXTENDED

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider vacating a 70-foot right of way known as future Hopkins Road Extended.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 70-foot right of way known as future Hopkins Road Extended to Miles and Wells. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.N. TO CONSIDER AMENDING THE PUBLIC FACILITIES PLAN, AN ELEMENT OF THE PLAN FOR CHESTERFIELD, RELATIVE TO SCHOOLS

Mr. Turner stated this date and time has been advertised for the Board to consider amending the Public Facilities Plan, an element of the Plan for Chesterfield, relative to schools.

He further stated the current Public Facilities Plan adopted in April 2004 recommended either a northeast or a western location for a new middle school. He stated, as time has evolved, the Board of Supervisors, Planning Commission and School Board have looked at school population and believe that perhaps a more central location would be appropriate. He further stated the Planning Commission initiated amendments to the Public Facilities Plan in that regard, including: 1) the elimination of the recommendation to construct a new middle school in the Courthouse Road area, between Hull Street Road and Reams Road, or in the vicinity of the west Hull Street corridor, between Woodlake Parkway and Baldwin Creek Road; 2) adding the following recommendation, "Construct a new middle school at, or east of Route 288, north of Hull Street Road and south of Midlothian Turnpike"; and 3) on page PF32 under the 2012-2020 section as item 1, add "Construct a new middle school in the vicinity of the west Hull Street corridor, between Woodlake Parkway and Baldwin Creek Road." He stated staff recommends that the Board consider the Planning Commission's recommendation.

Mr. Barber stated he will allow the audio/video comments of a citizen who is out of the country with students on a school trip who wanted to speak to the issue.

Mr. Barber called for public comment.

Ms. Iris Ferguson, a resident of Hampton Glen Lane, expressed concerns relative to overcrowded schools and requested that the Board place the middle school in a western location to help the students get the quality education they desperately need.

Mr. Bill Hastings expressed concerns, via audio/video, relative to movement of the middle school to a compromised site and the necessity of going through the eminent domain process for the Centerpointe site because of insufficient acreage. He requested that the Board do the best possible thing and move the school site westward to provide reasonable drive times for both students and parents.

Ms. Marty Mitchell, representing the Woodlake Homeowners Association and the Woodlake Womens Club, stated the key to alleviating middle school overcrowding and exorbitant and potentially dangerous bus travel times lies in choosing the best site. She further stated the area with greatest need is clearly the western area of the county, as that is where record levels of growth has been and will continue to be. She stated locating a middle school at the Centerpointe site will result will create an economic burden on the county as the westerly located students will have to be bused further distances than they currently are, as well as a liability due to longer bus rides on dangerous roads. She further stated it is obvious that the best interest of the children and constituents is to plan immediately for a western site for the new middle school.

Mr. Ray Turcan, President of the Woodlake Community Association Board of Directors, read a letter that has been unanimously supported by the Woodlake Board of Directors and Woodlake residents expressing concerns relative to the negative impact of the proposed Centerpointe location and supporting a western location for a middle school in the year

2008 to minimize bus ride times; save bus mileage and cut transportation costs; reduce traffic congestion on Hull Street, Woolridge Road and Old Hundred Road and minimize safety risks to children; minimize operational and capital costs on the county; and maximize the opportunities for economic growth. He urged the Board to make the western location a reality, indicating that building a western middle school between the years 2012 and 2022 is unacceptable to the community.

Mr. Tom Holstra, a member of the Woodlake Board of Directors, and a part-time motorist assistance officer for the Chesterfield Police Department, stated that, as an engineer, he considers the western location as an opportunity to reduce bus times for students; reduce traffic congestion; free up valuable land for much needed commercial development; reduce school land acquisition costs; and place the middle school in an area of high residential growth, which will provide more of a neighborhood feeling for the students.

Ms. Kathy Horvath expressed concerns relative to the long-term financial implications of locating a school where the School Board has not identified a need.

Ms. Allison Goble, a resident of Hampton Park, requested that members of the audience stand, and approximately 150 members of the audience stood, in support of a western middle school location. She noted that many people who were present earlier in support of a western middle school had to leave because of the lateness of the hour. She expressed concerns that there are not enough schools or buses in the county. She stated the county needs to take care of its most important need first and locate a middle school in the western area. She expressed concerns relative to overcrowded and too large schools, resulting in decreased teacher retention rates and student test scores.

Ms. Cathy Kirk, a resident of the Fox Fire community, expressed concerns relative to the compromise agreement to allow the replacement Clover Hill High School at the end of the bond referendum and elementary and middle school facilities to come earlier, as well as the new Hull Street Road Middle School which could be located in a more eastern location as a reinvestment in the eastern central portion of the county. She stated she assumes the Board adopted the Public Facilities Plan in 2004 in support of the compromise agreement, and inquired why the Board did not amend or delete the western language for the middle school during the 2004 public hearing regarding the Public Facilities Plan if the agreement was for a more eastern location. She expressed concerns that legally and publicly, the Board appeared to give support for the School Board's flexibility in locating the middle school, but privately that flexibility seems to have been stripped away in closed meetings, indicating that the citizens would have appreciated an opportunity to participate in the discussions.

Ms. Jodie Felice, Vice President of Foxcroft Homeowners Association, expressed concerns relative to an inadvertent error against the children of Chesterfield County by those who have been elected to support the quality of life in the county. She stated the error began when the Public Facilities Plan was suggested to be amended to include middle

school sites without any of the public input required and the careful work of the Planning and Transportation Departments. She further stated the error continued when citizens supported the bond referendum and voted for a western site to relieve the severe western overcrowding and did not vote to finance busing for children. She further stated the error has been perpetuated by the misguided assumption that autocracy can prevail and that frustrated residents will adjust to the inevitable. She stated the residents will not tolerate that hours of busing will be substituted for the trailers the children have endured for too long. She further stated no amount of rationalization will ameliorate the effect of the inadvertent error and nothing supports the compromise of a local middle school site for the thousand of students affected by this decision. She requested that the Board demonstrate that the inadvertent error has been corrected by voting against the Centerpointe location and require that a site in the west, as originally described in the Public Facilities Plan, be sought and supported.

Mr. Tom Miller, a resident of the Bermuda District, chair of the 1996 School Bond Core Committee and member of the 1998 and 2004 School Bond Core Committees, stated the 2004 school bond was designed to address educational needs of the county, including overcrowding. He further stated the committee presented facts associated with the bonds provided by the county or the School Board. He stated both the School Board and the Board of Supervisors approved the 2004 bond package, which included prioritized projects. He noted that bond packages involve some give and take among the districts. He stated it was the core committee's job to inform the public and assured the Board that under no condition did any member of the core committee make any attempt to misinform or mislead the public.

Mr. Mark Belcher, a rising Swift Creek Middle student, stated the population is growing rapidly at Swift Creek Middle and there are not enough bus seats. He requested that the Board provide a western middle school.

Mr. Robert Cavaliere, a resident of Hampton Park, provided the Board with a petition with over 1,000 signatures of concerned citizens from all over the county supporting a western middle school location and keeping the current language in the Public Facilities Plan. He expressed concerns relative to developments that have been approved and growth that is coming, which will result in 943 new students at Swift Creek Middle School. He noted the students are coming from the west, indicating that a western school location will save time, money and resources; reduce congestion; and increase the residents' quality of life. He suggested that the Board return this issue to the School Board for a new recommended location based on current population and growth projections.

Mr. Scott Durfee, a Hampton Park resident, referenced objectives of the Public Facilities Plan, which he believes clearly support a western site for the middle school. He stated the Centerpointe site does nothing to increase convenience, which is an objective of the Public Facilities Plan. He expressed concerns relative to lengthy bus rides and stated that changing the language in the Plan to allow

the Centerpointe location will compromise the integrity of the Plan itself and the welfare of the students.

Mr. Alan Markfeld, a resident of Summerford Subdivision, expressed concerns relative to safety of students walking to and from trailers at schools. He urged the Board to do the right thing for the children and their safety by placing a middle school in the west where the people reside.

Mr. Keith Ritz, a representative of the Brandy Oaks Homeowners Association, requested that the Board immediately look for a middle school location in the vicinity of the west Hull Street corridor, between Woodlake Parkway and Baldwin Creek Road.

Mr. Jeff Hill, a resident of Hampton Park, expressed concerns relative to the negative impact of school overcrowding. He stated it would be inappropriate to amend the Public Facilities Plan to provide for a western middle school location between 2012 and 2022. He further stated the new school should be located in a western location where it serves the most children.

Mr. Ryan Marks, a resident of the Matoaca District, expressed concerns relative to excessive development and traffic in the county. He stated it is only logical to locate the middle school in the western portion of the county where all of the development has been approved and the school is needed now.

Mr. Bob Herndon, a resident of the Matoaca District, expressed concerns that additional transportation costs and all other additional costs associated with not placing the middle school in the proper location where it needs to be will affect every citizen in the county by using tax dollars in an efficient manner. He stated approximately 70 percent of the students at Swift Creek Middle School and 48 percent of the students at Bailey Bridge Middle School come from the western area. He stated Centerpointe is nowhere near the student population, and there is no logic whatsoever to selecting a Centerpointe location above a western location.

Ms. Kitty Snow stated her son was bused in 1991 to Swift Creek Middle, and it was the worst year of his school career. She further stated there is not much motivation for students who live far from school to be involved in school activities. She stated any site that increases bus travel distance in the congested morning traffic is shameful. She requested that the school be placed in the west where the students live for reasons of connectivity; student/parent involvement; and consideration for children who sit on buses too long already.

Ms. Shelly Schuetz, a resident of Hampton Park, stated locating a middle school in the west will not create western sprawl when a high school and an elementary school have already been approved for the area. She provided the Board with data relative to the capacity and student population in the area that the middle school will affect. She stated a western middle school would accommodate students at Grange Hall, Woolridge, Clover Hill and Southern Land, the school that was approved by the School Board last night. She further stated the data shows that there is plenty of room for new growth in the Centerpointe area. She stated she does not believe the Board was provided the information necessary

to determine an appropriate middle school location last year. She requested that the Board demonstrate leadership and locate the middle school in the west.

Ms. Rebecca King, representing Homeowners for Quality Schools, stated data shows that there are two clusters of students located far away from a middle school - one group west of Swift Creek, and the other in the northeast. She noted over 1,000 students from the northeast travel west to reach primarily Midlothian and Bailey Bridge Middle Schools. She stated, clearly, a good argument could be made for a middle school in either the west or the east. She further stated it has been the position of Homeowners for Quality Schools that a middle school located in the east would be good, but they would also like to see the next middle school located in the west for obvious reasons. She stated 27,000 lots have already been approved in the Midlothian District. She further stated she was very pleased to see that all of the governing entities considered the needs of the entire county although residents of some areas of the county did not attend the planning discussions. She stated the parents she works with in Midlothian are extremely sympathetic of the needs of the Clover Hill community and are frustrated about the county's inability to plan for it. She expressed concerns that an elementary school will be needed very soon in the Midlothian area and suggested that the Midlothian and Clover Hill communities partner together to achieve a plan for the middle school students in the rural areas of Matoaca and Clover Hill and also requested the support of the Clover Hill area as the Midlothian residents struggle with elementary school needs.

Dr. Bob Floyd, President of the North Chester Homeowners Association, stated he supports a western location for the middle school. He further stated the concerns of Chester residents were rejected by the Board's approval of the Copley Estate zoning case and pleaded with the Board to listen to the needs of the people from the western area of the county and respond to them because their situation is even greater than the one presented by Chester residents in the Copley case.

Ms. Brenda Stewart, a resident of the southern portion of the Matoaca District, stated all stakeholders in the business of the county should be very concerned about the Board's decision to locate a middle school. She expressed concerns relative to disorder and lack of discipline in spending; failure to follow state statutes and county policies and procedures, including those relating to spending; and illogical sequence of events in making decisions that involve millions of dollars. She stated the process of choosing a site for a new middle school is another missed opportunity to conduct county business in a professional, methodical, disciplined manner in accordance with state statutes and county policies and procedures. She inquired why there is no documentation as to how the proposed middle school site at Centerpointe was selected, indicating that it does not appear an evaluation of the site was done in accordance with the county policy. She stated taxpayers expect their money to be spent carefully and wisely, and the Board has a fiduciary responsibility to protect the resources entrusted to the them. She requested that the Board reject the amendments to

the Public Facilities Plan and proceed under the current plan to place a middle school where the students are.

Ms. Irene Maschalko, a resident of the Matoaca District, inquired why the middle school is being placed to relieve overcrowding in Midlothian area middle schools when both Midlothian and Robious Middle School are receiving up to 30 total additional classrooms in the current Capital Improvement Program; how the Centerpointe location meets the goals of the Public Facilities Plan; and what will be the transportation costs to bus approximately 900 students from the west to the Centerpointe location. She stated citizens are upset that business has been conducted behind closed doors, indicating that the public's involvement would have been helpful in arriving at the best solution. She requested that the Board make a careful decision that will give the School Board the real opportunity and flexibility to address future population growth in the west with the middle school.

Mr. Michael Pickett, a resident of Hampton Park, stated he moved to Chesterfield County primarily because of its school ratings. He further stated a middle school is needed in his area now because of growth that the area is experiencing and requested that the Board do the right thing and approve a western site for the middle school.

Ms. Andrea Epps stated, no matter what the Board decides this evening, the western area of the county needs relief. She further stated Swift Creek Middle School cannot wait any longer than 2008 for relief. She stated she believes it would be a good idea to review the Public Facilities Plan and requested that the citizens be included in the review of the Plan.

Mr. Greg Goble inquired whether the direction in which the Board is headed is working and requested that the Board consider changing its direction and locate a middle school in western Chesterfield.

Ms. Patty Carpenter, a resident of the Midlothian District who chaired the 2004 School Bond Referendum Committee, stated the committee provided 70 presentations, and she believes the public received a clear understanding of the information that was presented. She further stated at each of the information sessions, a map was provided that depicted very specifically where the renovations and future projects would be located. She noted the middle school site was clearly marked north of Hull Street and at or east of Route 288. She further stated no bond referendum can ever solve all of the pressing and legitimate school needs. She stated she does not believe the public was misled. She further stated the actual middle school site is not a bond committee issue and it never was, as long as it fits within the criterion that was brought forth to the public at the bond referendum. She stated a drastic change in the location of the middle school site from what was supported by so many voters in November 2004 would result in lost confidence of the voters across the entire county, indicating that she supports the amendments to the Public Facilities Plan.

Ms. Julie Sylvester, a member of the Hampton Park Board of Directors, stated an informational meeting was held in Hampton Park in October 2004, and the residents questioned

Dr. Cannaday regarding the middle school site. She further stated, not once during this meeting did Dr. Cannaday say the western area would receive a middle school. She stated Dr. Cannaday carefully stated that the middle school would be further east, but would help with overcrowding in the western area. She further stated she understood that the bond referendum did nothing to help middle school problems in the west and does not understand how the other residents did not understand the facts presented. She requested that the Board provide some middle school relief in the west by delaying the Clover Hill High School replacement and building a third middle school west of Woodlake Parkway.

Ms. Anna Stallings, a new resident who moved to the county too late to vote on the bond referendum, stated locating three middle schools within five miles of each other does not make sense. She further stated she believes locating a middle school in the west would alleviate overcrowding problems in Swift Creek Middle School, and the Midlothian area could then take advantage of that alleviation.

Mr. Danny Smith, a member of the School Bond Core Committee who also served on the three prior bond committees, stated the message presented by the committee to the public was factual and true. He further stated it upsets him to think that some members of the public think they were misled. He stated whenever questions arose regarding the middle school site, the committee members informed the public that a decision had been made to locate the middle school north of Hull Street at or east of Route 288. He further stated, although both the Centerpointe and a western site would help provide relief, it concerns him greatly that the public's trust and confidence would be breached if the Board were to deviate from what was communicated regarding the bond referendum and change the location of the middle school.

Mr. Greg Blake, representing the Foxcroft Homeowners Association, expressed concerns that Bailey Bridge Middle School cannot expand any more and that Swift Creek Middle School is far beyond capacity. He stated 55 percent of all approved lots in the entire county are located in the Upper Swift Creek area, west of Swift Creek Middle School. He requested that the Board not approve the Centerpointe location and consider a more western location for the middle school.

Mr. Mark Cheatham expressed concerns relative to explosive growth that has increased the overcrowding at Swift Creek Middle School. He suggested that the Board solve the overcrowding situation that currently exists and then work together to solve future problems in the Midlothian area.

Ms. Shelley Constance requested that the Board consider the additional information that has been presented and make the right decision for the middle school location because it is the right thing to do.

Ms. Sharon Ritter, a Woodlake resident, stated the facts overwhelmingly show that communities south and west of the reservoir need a new middle school in their area. She noted 20 of 29 buses that transport students to Swift Creek Middle School come from west of the reservoir, and the majority of growth and residential construction is south and west of the

reservoir. She requested that the Board members put aside their promises and deals that have been made, consider the facts presented tonight and make a decision, indicating that she does not believe the Public Facilities Plan should be amended.

Ms. Marleen Durfee, representing the Task Force for Responsible Growth, stated the most pressing need for a middle school is in the western area based on current need, highest growth and future need. She further stated Bailey Bridge Middle School has the highest enrollment in the county, and the proposal to redistrict and provide relief for Bailey Bridge was shot down because the bus rides were too long and there is nowhere to move the students. She stated Midlothian Middle School added only one new student this year and will receive the additions and classroom space necessary to provide for future growth in seven to ten years. She further stated, although Swift Creek Middle School has the most pressing need at 143 percent capacity, Bailey Bridge Middle, with an enrollment of 1,600 students, also needs relief. She stated Matoaca is the fastest growing district in the county, with four times the number of building permits approved than in the Midlothian District. She requested that the decision to locate a new middle school must be based on data that supports a solid business decision - place the school where the students are and will be. She requested that the Board minimize the number of students impacted, consider transportation as well as overall costs, and place the school in the right location.

Ms. Mandy Wilson, President of Hampton Park Homeowners Association, expressed concerns relative to clustering of middle schools, indicating that some students would have three schools within two miles, while the children in the western portion of the county would be bussed 7 to 17 miles, if the Centerpointe site is approved. She stated there are approximately 1,575 middle school children who live 30 minutes or more from the closest middle school or the closest proposed middle school at Centerpointe. She further stated Midlothian Middle School currently has 25 empty seats and, after the proposed renovations, there will be 335 empty seats. She noted Bailey Bridge Middle School is 469 students over capacity and Manchester Middle is 224 students over capacity. She stated the obvious solution is to build a middle school west of the reservoir and move the gifted program out of Manchester into a less crowded middle school. She presented high school seat capacity projections, and stated possible short-term solutions to high school overcrowding is to build a new high school; redistrict some Clover Hill/Cosby Road children into the 238 empty seats at Midlothian High School; or move the math science center to another school. She further stated the long-term solution will have to be a new high school to relieve overcrowding that will be caused by Charter Colony and Centerpointe. She further stated there are 11,381 approved residential lots west or south of the reservoir in the Swift Creek/Bailey Bridge Middle attendance zones. She offered the following solutions: build an elementary school on the Centerpointe site to provide the relief the Homeowners for Quality Schools has indicated is desperately needed, or build a middle school there in 2012-2022 to relieve future overcrowding, and instead of the Centerpointe site, build a middle school in the west now and one at Hull Street and Reams Road in 2012-

2022; delay the Genito Road High School until 2012-2022; or use money from Midlothian and Swift Creek Middle School renovations to build schools.

Mr. Wayne Bass, a Matoaca District resident and Planning Commissioner for the Matoaca District, stated the Public Facilities Plan was one of the first documents presented to him as a Planning Commission member. He further stated, when the Plan was first presented to the Planning Commission there was only one location for the middle school - from Route 288 west to Baldwin Creek Road. He further stated in order to get the consensus of the Planning Commission, two locations were listed in the Plan because there was some support for the location in the Courthouse Road area and there was some for west of Woodlake Parkway to Baldwin Creek. He stated he was satisfied that the two locations would give the School Board the opportunity to choose the location that would best fit their needs. He further stated if he was reviewing the Public Facilities Plan now, he would never agree to the Centerpointe location, indicating that due to the number of students that travel east, the facility should be placed in the west. He further stated, with the zoned lots and the proffers donated to the schools, the western location should be the first consideration of the Board. He stated he did not support the amendments to the Public Facilities Plan when they came before the Planning Commission. He requested that the Board not approve the amendments and refer the Plan back to the School Board and give them the option to put the school where it is needed.

Ms. Debbie Belcher, a resident of the Matoaca District, clarified that Swift Creek Middle School currently has 15 trailers.

Mr. Tom Doland, Matoaca District School Board representative, reminded the Board that the number one goal of new school construction was to provide relief to Swift Creek Middle School. He stated the second goal was to provide relief to Bailey Bridge Middle School, indicating that the average size of a middle school should be approximately 1,250 students and Bailey Bridge currently has close to 1,600 students and nowhere else to expand. He further stated there is some relief planned for the Midlothian District with the Capital Improvement Program additions. He expressed concerns relative to placing a middle school site on the very eastern boundary of the attendance zone at Centerpointe, resulting in all of the students traveling from the west to the east. He stated one of the things he has been trying to address with boundary change issues is reduced travel time for students. He expressed concerns that continuing to move school sites east will result in longer bus rides for students from the west, indicating that he thinks this is avoidable and should be taken into consideration. He stated he supported the bond referendum but clearly could not support an eastern site for a middle school, indicating that he believes it makes good sense to locate the school somewhere towards the middle of the boundary area rather than at a place where students have to be bussed long distances to get there. He stated the county cannot afford to spend time and money busing students unnecessarily. He further stated he does not believe the Centerpointe location will serve the citizens of the entire county to the best of our ability and noted there is a

tremendous amount of data to support what has been said at tonight's public hearing.

No one else came forward to speak to the request.

In response to Mr. King's questions, Dr. Cannaday stated Mr. King has never suggested to him where any school facilities should be located, but has stated expressly that education of children, location of schools and school related business should be the School Board's responsibility. He further stated he knows Mr. King to be a person of integrity who has always been consistent in his support for the school system.

Mr. King provided details of his and his family members' involvement with the Chesterfield County school system, indicating that he cares greatly about the county and all of its school children. He stated, although the Bermuda District is not listed as one of the top growth areas, it does have school overcrowding, indicating that he supported the bond referendum for the children he represents. He further stated he always thinks of the entire county, and not just the Bermuda District. He stated it is not his responsibility to tell the School Board or the Superintendent of Schools how to do their jobs. He further stated he worked very hard to represent the constituents of the Bermuda District relative to bond referendum projects. He stated he has never intentionally misrepresented the truth and expressed concerns relative to his character being impuned on numerous occasions. He further stated he will not apologize for being a man of his word, and he intends to stand firm on his principles, be consistent and vote his conscience.

Mrs. Humphrey stated she believes it is a bad idea to amend the Public Facilities Plan and locate a middle school at the Centerpointe site. She further stated the residential growth in Chesterfield County is occurring west of the Woodlake Village Parkway, and overcrowding issues at Bailey Bridge and at Swift Creek Middle Schools can both be eliminated, if not addressed, for the short term by remaining consistent with the current Plan, and providing a western area middle school. She stated she has remained consistent that the Planning Commission, School Board and Board of Supervisors were on track in 2004 with the sites identified in the Plan.

Mr. Miller stated he is very appreciative of the earnestness, spirit and enthusiasm of everyone present. He stated he saw the potential of a split between the School Board and the Board of Supervisors relative to proposed locations for schools, and he could easily have supported a western site or an eastern site. He further stated he felt sincerely that he would not be supportive of the bond referendum unless both the Board of Supervisors and the School Board agreed upon the projects. He stated the spirit in which the compromise agreement was sought was perceived to be in the best interest of the county. He further stated he has never backed away from an agreement that he made in good faith, and does not intend to do so now. He stated there has been no intent to deceive or provide misinformation to the citizens relative to the bond referendum, and any deception that may be perceived was generated by people with malicious motives. He further stated he cannot believe that 87 percent of the voters would have supported the bond referendum if there was so much confusion. He stated he is offended by those who have

suggested that his decision on this issue would be the key to his integrity. He further stated there was unanimity on the Board when the compromise agreement was made, indicating that he would not have worked on behalf of the bond referendum without it. He stated the School Board agreed, with the exception of Mr. Doland, and he did not know that at the time. He further stated Mr. Doland has been consistent in his position and he did support the bond referendum. He stated, if the Board were to attempt to change what was presented and approved by the citizens would be irresponsible on his part. He further stated it is very difficult to balance the interests of all county citizens and again expressed concerns relative to questioning elected officials' honesty and integrity. He stated he is going to stand by the agreement that was made to advance the best interests of the citizens of Chesterfield County to provide a bond referendum that would impact the county at large, indicating that he will support the middle school east of Route 288 at Centerpointe.

Mr. Barber stated the School Board had thoughts originally to construct a very large high school further west and spend \$20 million to run the sewer and water lines out to that site, which would have ignited growth. He stated he objected to that concept and the School Board then came up with the two high school concept and was successful in getting one of the schools funded through the Public-Private Education Act (PPEA). He provided details of when various projects would have been completed if the PPEA proposal had gone forward in its entirety, indicating middle school relief would not have been provided with the original plan until 2010, given the fact that the number one priority from the School Board was to replace Clover Hill High School. He stated he does not believe Clover Hill needs to be replaced; it could be renovated efficiently for much less than the \$56 million it would cost to replace it. He further stated he did not support the original proposal because of his concerns with the replacement of Clover Hill High School and his strong feelings that capacity issues were being ignored. He stated he refused to accept the necessity to replace Clover Hill High School first before dealing with capacity issues as the right plan for the county, and that is where the compromise began. He further stated a working group of the Chairman and Vice Chairman of both the Board of Supervisors and the School Board met on numerous occasions regarding school priorities, and the compromise began to unfold. He stated the Clover Hill High School replacement is still in the plan over his belief that it is unnecessary, and the eastern middle school became important to him and that became a part of the plan. He further stated, if the School Board was going to insist on replacing Clover Hill, then he was going to insist on an investment in the eastern part of the county. He stated, if the county does not invest in the eastern portion of the county, it will disintegrate and no one will want to be associated with it or live there, so it was important to him to invest in the eastern area, but ultimately what was much more important, was to relieve overcrowding. He further stated the Board would not be discussing middle school relief now if he had not insisted that Clover Hill High School not be replaced first. He stated the current proposal will move the middle school construction up two years from what was originally proposed, and elementary construction has been included. He further stated the current proposal does

address overcrowding because, without the compromise agreement, the Board would not be discussing middle school relief for another couple of years, indicating that the relief will come to Swift Creek Middle School two years earlier than originally planned. He stated the Capital Facilities Plan placed equal emphasis on both a western and eastern middle school, noting that part of the compromise was to move the eastern school to a location that is further west than he is particularly comfortable with and it will offer relief to Swift Creek Middle School students earlier than any plan prior to the compromise and prior to the bond referendum issues. He stated, from the Superintendent's proposal through the compromise proposal until tonight, no one has objected to the proposal with the exception of Mr. Doland. He further stated he held numerous meetings to discuss the PPEA proposal and the bond referendum, and he was confident that his constituents had a good understanding of the bond referendum proposal. He stated he is also confident that the county is in a much better position with the compromise agreement than waiting extra years for a middle school, even with the different location.

Mr. Barber then made a motion, seconded by Mr. King, for the Board to adopt the following amendments to the Public Facilities Plan: 1) eliminate the recommendation (Page PF32) "Construct a new middle school in the Courthouse Road area, between Hull Street and Reams Roads, or in the vicinity of the west Hull Street corridor, between Woodlake Parkway and Baldwin Creek Road"; 2) add the following recommendation, "Construct a new middle school at, or east of Route 288, north of Hull Street Road and south of Midlothian Turnpike"; and 3) add on page PF32 under the 2012-2022 section as item 1, "Construct new middle school in the vicinity of the west Hull Street corridor, between Woodlake Parkway and Baldwin Creek Road."

Ayes: Barber, King and Miller.

Nays: Humphrey and Warren.

18. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

Mr. King made a motion, seconded by Mrs. Humphrey, for the Board to suspend its rules to consider agenda items after 11:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0293

In Matoaca Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requests amendment of Conditional Use Planned Development (Case 88SN0059) and amendment of zoning district map to permit property to be developed as a separate project for use as a school and/or other public facility. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use use. This request lies in a Residential (R-7) District on 190.6 acres fronting approximately 1,800 feet on

the north line of Powhite Parkway, approximately 1,200 feet east of Old Hundred Road. Tax IDs 724-693-6630; 724-694-5390; and 726-695-Part of 3178 (Sheet 9).

Ms. Beverly Rogers presented a summary of Case 05SN0293 and stated the proposal will allow the county to proceed with the use of dedicated land and any additional land which the county might purchase, independent of any reliance upon the Centerpointe owners regarding schematic plan approvals. She further stated staff and the Planning Commission, on a vote of three to two, recommended approval subject to conditions.

In response to Mr. Miller's question, Mr. Micas stated the county does not have to own property in order to rezone it.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to deny Case 05SN0293.

Discussion ensued relative to the interpretation of the proposed middle school locations when the Board approved the Public Facilities Plan in April 2004.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to deny Case 05SN0293.

Ayes: Humphrey and Warren.

Nays: Barber, King and Miller.

Mr. Barber then made a substitute motion, seconded by Mr. Miller, for the Board to approve Case 05SN0293, subject to the following conditions:

1. Prior to any site plan approval, ninety (90) foot wide rights of way for Center Pointe Parkway and for Brandermill Parkway across the entire parcel of the middle school site, as determined by the Transportation Department, shall be recorded. (T)
2. Direct access from the middle school site to Center Pointe Parkway and to Brandermill Parkway shall be approved by the Transportation Department. (T)
3. Prior to issuance of an Occupancy permit for the middle school, the following road improvements shall be completed, as determined by the Transportation Department:
 - a. Construction of Center Pointe Parkway as a two-lane facility from its current terminus to the western boundary of the middle school site.
 - b. Construction of Brandermill Parkway as a two-lane facility across the entire parcel of the middle school site.
 - c. Construction of additional pavement along Center Pointe Parkway and along Brandermill Parkway at each approved access to provide left and right turn

lanes, based on Transportation Department standards.

- d. Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified above. (T)

Ayes: Barber, King and Miller.

Nays: Humphrey and Warren.

19. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Miller, the Board adjourned at 1:48 a.m. until July 27, 2005 at 3:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Edward B. Barber
Chairman